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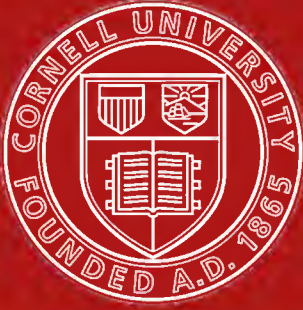


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NEW ZEALAND.

RETURN to an ADDRESS of the Honourable The House of Commons,
dated 14 April 1842 ;—*for*,

COPIES of PAPERS and DESPATCHES relative to *New Zealand*; up to the
latest Date.—(*In continuation of those printed 11 May 1841, No. 311.*)

RETURN, showing, in Columns, the various Acres or Lots of Land in the
Colony of *New Zealand*, sold by Government, with the Extent of each Lot,
and the several Prices per Acre obtained for such Lands, since those Islands
became a British Colony ; distinguishing the Lands purchased on behalf
of Non-residents, and those purchased by Resident Emigrants.

(*Mr. Wallace.*)

Colonial Office, Downing-street, }
9 August 1842.

G. W. HOPE.

Ordered, by The House of Commons, to be Printed,
12 August 1842.

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NEW ZEALAND.

SCHEDULE.

CORRESPONDENCE WITH THE NEW ZEALAND COMPANY.

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CORRESPONDENCE

WITH THE

NEW ZEALAND COMPANY.

— No. 1. —

COPY of a LETTER from *J. Somes, Esq.* to Lord *John Russell*.

NEW
ZEALAND.

No. 1.

J. Somes Esq. to
Lord John Russell.
18 May 1841.

*For Mr. Vernon Smith's
Letter, 3 May 1841,
vide Papers relative to
New Zealand, ordered
by the House of Com-
mons to be printed,
11 May 1841, No. 311,
p. 147.*

My Lord,
THE Directors of the New Zealand Company have the honour to acknowledge the receipt of Mr. Vernon Smith's letter of the 3d instant, relative to the amount of discount to be allowed to the Company on purchases of land to the extent of 50,000 acres, and trust that they shall not be considered to manifest undue pertinacity in respectfully requesting your Lordship to reconsider the subject.

As your Lordship disclaims any preliminary understanding on the part of the Colonial Department with respect to the rate of this allowance, the Directors will not further press that point; and they freely admit that in a case like that under discussion, where neither party can have any experimental knowledge to assist a calculation of probable results, it would be difficult to prove that the 20 per cent. offered by your Lordship would be insufficient for the intended purpose. But they confidently submit, with reference to the considerations urged in my letter of the 20th ultimo, that the grounds upon which it is reasonable and expedient, because for the advantage of the public, that an allowance (which ought to be called commission rather than discount,) should be made to a body like the New Zealand Company,—purchasing from the Government large tracts of land in a new colony, with a view to settling them by emigration, conducted on a great scale, and on sound principles,—are such that, whatever the rate agreed on in the first instance, the mere lapse of time can afford no valid reason for its reduction.

An organized body like this Company, having a very considerable command of capital, and making the systematic colonization of New Zealand its business, brings qualifications to bear upon that end, in respect to which neither the executive Government on the one hand, nor individuals, necessarily deficient in the strength of combination, on the other, can compete with it. It has the deepest stake, moral as well as pecuniary, in the general prosperity of New Zealand as a British colony. A regard for its own interests compels it to take the utmost possible pains to prevent a disappointment of the reasonable expectations of any class of settlers. If the Company succeed in these objects, every year must add to its credit, and to the confidence reposed in it, and consequently to its power of carrying out the views of the Government for the speedy and complete colonization of New Zealand. But under the proposal conveyed by Mr. Vernon Smith's letter of the 3d instant, the remuneration assigned to the Company, as the agent for the sale of land between the Crown and the public, will decrease as its usefulness in that capacity increases; and a calculation upon the beneficial results of its exertions is apparently made the ground for diminishing, after a very brief period, the allowance with which, in the first instance, it is proposed to stimulate and reward those exertions.

Looking at the matter in this point of view, the Directors trust that your Lordship will see reason, in “the benefits to be derived from the sale of land by the Company,” not merely “at the commencement of the colony,” but during many years of its progress, to revise that part of the terms stated in Mr. Vernon Smith's letter under reply, which contemplates the reduction of the rate of discount from 20 to 15 per cent. after two years. They do not think that in

NEW
ZEALAND.

relation to the public benefits to be derived from their agency, the rate of 25 per cent., originally proposed by them, is too high : but between that amount and the 20 per cent. now offered by your Lordship, there is not, as hinted above, ground for any discussion which the Directors would think worthy of their position, or in accordance with that frank and liberal spirit in which they are sincerely desirous to meet every proposal of the Colonial Department. At the same time they regret that, with reference to the great public objects in view, it should have been thought worth while to make any reduction of a demand which, as the smallness of that reduction proves, could not have been thought extreme.

I have, &c.
(signed) *Joseph Somes, Governor.*

— No. 2. —

No. 2.
R. V. Smith, Esq.
to J. Somes, Esq.
25 May 1841.

COPY of a LETTER from *R. Vernon Smith, Esq.* to *J. Somes, Esq.*

Sir,

Downing-street, 25 May 1841.

I AM directed by Lord John Russell to acknowledge the receipt of your letter of the 18th instant, in which you request, on the part of the New Zealand Company, a still further modification of the decision with regard to the amount of discount to be allowed the Company in purchases of land, to the extent of 50,000 acres, than that communicated to you by my letter of the 3d instant.

In reply, I am directed to acquaint you, that Lord John Russell did not expect that the circumstance of his consenting to raise the amount of discount would be converted into an argument against him.

Lord John Russell considers that two years hence the question may be discussed, whether it is for the public advantage that 15 or 20 per cent. should be the amount of discount to be allowed. Lord John Russell thinks it right to state, with reference to the observations contained in your letter, that he is not prepared to admit that a Government department is incompetent to conduct such sales of land ; the public lands in North America, both in the United States and in Canada, being very generally sold in that manner.

I am, &c.
(signed) *R. Vernon Smith.*

— No. 3. —

No. 3.
J. Somes, Esq. to
Lord John Russell.
18 May 1841.

COPY of a LETTER from *J. Somes, Esq.* to Lord *John Russell.*

My Lord,

New Zealand House, 18 May 1841.

With reference to Para. 4 of Head III. of the Arrangement forwarded under cover of Mr. Vernon Smith's letter of the 18th November last, I have the honour, on behalf of the Directors of the New Zealand Company, to solicit your Lordship's consideration of a point of great consequence, not merely to the interests of that body, but to the success of the operations which they are disposed to conduct upon a scale calculated, as they are persuaded, to confer signal benefits upon this country.

The question which I submit to your Lordship is this : Is it intended that the emigrants, in the removal of whom to New Zealand the purchase-money of land in that colony bought by the Company is to be expended, should be exclusively of the labouring class ? Or that a certain limited proportion of such money should be available for the passage of parties proceeding to the same destination as the employers of labour ?

Had the colony with which they are connected, and which it is their ambition, as well as their interest, to elevate as speedily as possible to a high position amongst the most valuable dependencies of the British Crown, been of considerable standing, the Directors would not have troubled your Lordship by raising a discussion sufficiently set at rest both by precedent and reason. But they submit

For Mr. Vernon Smith's
Letter, 18 Nov. 1840,
vide Papers relative to
New Zealand, ordered
by the House of Com-
mons to be printed,
11 May 1841, No. 311,
p. 85.

submit that the peculiar circumstances of New Zealand give it a claim to be dealt with, for a time at least, as respects the encouragement of emigration, in a special manner; and I beg respectfully to lay before your Lordship the grounds of that opinion.

The colonies of Australia are in a condition to require only labour; capital already exists there to a considerable extent; it is rapidly growing, from the peculiarly profitable returns of sheep farming; and the temptation of very favourable investment, at risks ascertained to be small, is constantly drawing from this country the capital both of parties who propose to employ it in person, and of others who remain at home.

New Zealand is necessarily, at present, in a very different position. Fertile land is the only element for the creation of a prosperous society, which, as yet, is to be found there. It would be more than useless to send out labourers alone to those islands. They cannot be advantageously conveyed thither, unless their employment on arrival, by means of the capital of other parties, be simultaneously insured. It is necessary, therefore, to induce persons of a higher class than that of labourers or handicraftsmen to embark in the adventure; and this, it has appeared to the Directors, can best be effected by holding out to the purchasers of certain quantities of land, who must necessarily become the employers of labour, the advantage, for a limited period at least, of a free, or partially free, passage to the colony. By this attraction, a considerable body of the wealthier class is brought to act together, and to form with the labourers, whom it is always easy to collect, but who, without the capitalists, would perish with hunger in New Zealand, or be mere burthens upon the company, an association for mutual protection, support, and enjoyment, instead of straggling out, one by one, in the helplessness of isolation; and the Directors are not aware that the same end, involving the transfer of so much labour from Great Britain, where the market is overstocked, to a country where it can be most profitably employed, could be so effectually compassed by any other means.

What is expended, therefore, at present in enhancing the attractiveness of New Zealand to the employers of labour, is, in fact, a necessary means, under existing circumstances, to the beneficial emigration of labourers; and, consequently, to the establishment of society in that colony. When the primary stage of affairs has been passed, and capital begins to flow naturally, as already in the case of Australia, towards openings for its profitable investment, the company will, of course, gladly abstain from holding out any special inducement to the emigration of the wealthier classes; but, in the meanwhile, they are convinced that a moderate expenditure for that end is highly expedient, and that it could not be abandoned at this juncture without mischievously checking the current now setting towards settlement in New Zealand, and consequently detracting from the benefits which this country must derive, both in the shape of immediate relief, and in the creation of another colonial market for its productions, from general emigration to those noble islands.

Soliciting your Lordship's consideration of the point submitted for your judgment, and your opinion, if the principle be admitted as applicable, for the present, to the circumstances of New Zealand, as to the proportion in which the sums paid by the company for land might be expended in giving free, or partially free, passages to other than labourers,

I have, &c.
(signed) *Joseph Somes*, Governor.

— No. 4. —

COPY of a LETTER from *R. Vernon Smith*, Esq. to *J. Somes*, Esq.

Sir,

Downing-street, 27 May 1841.

I AM directed by Lord John Russell to acknowledge the receipt of your letter of the 18th instant, in which, with reference to Paragraph 4 of Head III. of the General Arrangement between the Government and the New Zealand Company, you request to be informed whether it is intended that the emigrants, in the removal of whom to New Zealand the purchase-money of land bought by the Company is to be expended, should be exclusively of the labouring class, or that

No. 4.
R. V. Smith, Esq.
to *J. Somes*, Esq.
27 May 1841.

NEW
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a certain limited proportion of such money should be available for the passage of parties proceeding to the same destination, as the employers of labour.

In reply, I am directed to acquaint you that it never was in the contemplation of the Government that the produce of the land sales in New Zealand should be applied to defray the cost of the passages of the richer class of emigrants; such an arrangement as is now proposed by you would have the effect of restoring the old principle of granting land gratuitously to the higher class of emigrants; and the adoption of it would draw on the Government the reproach of abandoning the principles hitherto as strenuously maintained, and would tend, by the lure of extraordinary advantages, to encourage the emigration of a great number of people rich enough to make the saving of the cost of their passage an important object to them, but not rich enough to contribute much to the advancement of the settlement.

Under these circumstances Lord John Russell declines to comply with your application on behalf of the Company.

I am, &c.
(signed) *R. Vernon Smith.*

— No. 5. —

COPY of a LETTER from *R. Vernon Smith, Esq.* to *J. Somes, Esq.*

Sir,

Downing-street, 28 May 1841.

I AM directed by Lord John Russell to transmit to you the enclosed copies of a correspondence, comprising two Reports from Mr. J. Pennington, as referee between the Government and the New Zealand Company, in regard to the amount of expenditure on account of which the Company are entitled to receive land in New Zealand, under the arrangement entered into with the Government.

The result of Mr. Pennington's investigation is to show that, under such arrangement, the Company are entitled to receive 531,929 acres at present; and that they may hereafter be entitled to a further portion of between 400,000 and 500,000 acres of land.

Lord John Russell will forthwith transmit to the Governor of New Zealand copies of Mr. Pennington's two Reports, with instructions to make to the agents of the Company the necessary assignments of land, in pursuance of the terms of the agreement.

I am, &c.
(signed) *R. Vernon Smith.*

Enclosures in
No. 5.

Enclosures in No. 5.

(No. 1.)

My Lord,

London, 17 April 1841.

WITH reference to the arrangement entered into between Her Majesty's Government and the New Zealand Company, of which arrangement a copy was enclosed in Mr. Vernon Smith's letter to me, dated the 20th January last, I have now the honour to report as follows:

After a careful and minute examination of the books and accounts of the New Zealand Company, of the various documents connected with them, and of the contracts and engagements into which the Company have entered, I find that their outlay and expenditure "in the taking up, chartering, and dispatching ships for the conveyance of emigrants to New Zealand; in the maintenance of such emigrants before and during the outward voyage; in the purchase and transmission of stores for the public use of the settlers collectively on their arrival; and under other heads of expenditure unavoidably required or reasonably incurred," amounted, on the 31st December last, to the sum of 119,480 *l.* 14 *s.* 1 *d.*, exclusively of the expenditure made under the above-mentioned heads by the Plymouth Company of New Zealand.

Besides the above-mentioned expenditure, the Company have paid, and contracted to pay, to the New Zealand Company of 1825 the sum of 20,000 *l.* for the lands acquired by that Company by purchase from the native chiefs; and they have likewise paid to the New Zealand Association of 1839 the sum of 40,000 *l.* for all the rights, interests, and lands which that Association had acquired or might become entitled to in New Zealand, and for the ship *Tory* and her cargo, then on the outward voyage to that colony.

It

It further appears that the following bills of exchange have been drawn by the Company's agent at New Zealand, and paid by the Company, the application and expenditure of the produce of which bills cannot be stated until an account thereof is received from the colony:—

Seven bills, dated respectively in the months of April, May, June, and July 1841, amounting together to 3,700 *l*.

I find, moreover, that the Company have entered into certain engagements, and incurred certain liabilities, for the due performance of which they are directly or indirectly responsible. They are as follows:

1. The application to the cost and expense of conveying emigrants to New Zealand, of the sum of 21,078 *l*. 8 *s*. 11 *d*. which remained in their hands on the 31st December last, and which, according to agreements entered into with the purchasers of land sold previously to that date, is solely and exclusively applicable to that object.

2. The application to the same object of the sum of 7,500 *l*., being three-fourths of the purchase-money of 10,000 acres of land sold to the Plymouth Company of New Zealand.

3. The like application of 15 *s*. per acre in respect of all the lands which the New Zealand Company have engaged to sell to the Plymouth Company, by an agreement dated 6th August 1840, in which agreement the New Zealand Company have engaged to sell to the Plymouth Company (with the same provisions with respect to the application of three-fourths of the purchase-money to emigration, as in the case of all other sales of land) a further quantity of land, containing in the whole 50,000 acres in one block, in addition to the 10,000 acres above mentioned.

4. The cost and expense of surveying and delivering 137,290 acres of land, which the New Zealand Company had sold previously to the 31st December last, and engaged to deliver to various purchasers.

It is here proper to observe, that part of the provisions and stores shipped for the use of the settlers collectively (the cost and freight of which provisions and stores are included in the above-mentioned sum of 119,480 *l*. 14 *s*. 1 *d*.) may very possibly be sold, or applied to other purposes than those to which they were originally destined. The final adjustment of the account of those stores and provisions, and of the expenses and earnings of the ship *Tory*, must necessarily be deferred until the accounts thereof have been received from the colony.

I have, &c.

To the Right hon. Lord John Russell,
&c. &c. &c.

(signed) *James Pennington*.

(No. 2.)

Sir,

Downing-street, 29 April 1841.

I AM directed by Lord John Russell to acknowledge the receipt of your letter of the 17th instant, in which you report the result of your investigation of the claims of the New Zealand Company, under the arrangement entered into by them with the Government; and I am to request that you will have the goodness to state, for his Lordship's information, what, according to your judgment, is the total sum, in respect of their expenditure, of which the right of the New Zealand Company is clear, and may be immediately admitted; and what is the total sum, in respect of the expenditure, of which the right to receive land must be reserved for the results of future inquiry and consideration.

I am, &c.

James Pennington, Esq.

(signed) *Jas. Stephen*.

(No. 3.)

Sir,

London, 8 May 1841.

I BEG to acknowledge the receipt of your letter of the 29th April, requesting me to state, for the information of Lord John Russell, the total sum, in respect of their expenditure, of which the right of the New Zealand Company is clear, and may be immediately admitted; and what is the total sum, in respect of the expenditure, of which the right to receive land must be reserved for future inquiry and consideration.

In reply I have to state, that it appears to me that the total sum, in respect of their expenditure, of which the right of the New Zealand Company is clear, and may be immediately admitted, amounted, on the 31st December last, to 132,982 *l*. 9 *s*. 8 *d*.; and that the total sum, in respect of the expenditure, of which the right to receive land must be reserved for future inquiry and consideration, amounted, at that date, to 116,276 *l*. 13 *s*. 4 *d*.

It is proper, at the same time, to state, that in the last-mentioned sum of 116,276 *l*. 13 *s*. 4 *d*. is included the sum of 28,578 *l*. 8 *s*. 11 *d*., which, according to an absolute agreement entered into with the purchasers of land sold previously to the 31st December last, is solely and exclusively applicable to the expense and charges of conveying emigrants to the colony; and that as of this sum of 28,578 *l*. 8 *s*. 11 *d*. the sum of 18,481 *l*. 3 *s*. appears to have been so expended previously to the 1st ultimo, and as the remainder will be very soon absorbed in the freight of ships already engaged for the conveyance of emigrants to the colony, the whole may now be considered as having been appropriated to the discharge of one of the absolute liabilities of the Company, existing at the date of the agreement with Her Majesty's Government.

If this sum of 28,578 *l*. 8 *s*. 11 *d*. be added to the sum of 132,982 *l*. 9 *s*. 8 *d*. abovementioned, the amount, in respect of the expenditure of which the right to receive land may be immediately admitted, will be 161,560 *l*. 18 *s*. 7 *d*.

599.

B 3

I beg

NEW
ZEALAND.

I beg leave, upon this occasion, to state some details, and to enter into some explanations, for his Lordship's information, and in order to guard against possible mistake and error, in the adjustment of the future claims of the Company, in respect of their liabilities and expenditure at home and in the colony. As those details and explanations involve matters of account, I have given them in statements hereunto annexed. Whenever the claims of the Company for land are to be finally adjusted, whether at home or in the colony, those statements and explanations may, if necessary, be referred to.

James Stephen, Esq.

I have, &c.
(signed) *James Pennington.*

		£.	s.	d.
Outlay and Expenditure of the New Zealand Company in taking up ships, &c. to 3d December 1840	- - - - -	119,480	14	1
In this sum are included the following items which must remain open for future adjustment; viz.				
Stores and provisions in sundry ships, as per statement	- - - - - £. 11,319 13 10			
Goods and stores per ship Cuba, as per statement	- - - - - 8,726 5 7			
*Hire of the Cuba and the Brougham from September to December 1840, three months	- - - - - 1,452 5 -			
		21,498	4	5
	£.	97,982	9	8
Sum payable to the New Zealand Company of 1825	20,000 - -			
Of this there remains to be paid out of the future profits of the Company	- - - - - 10,000 - -			
		10,000	-	-
Amount paid to the New Zealand Association of 1839	- - - - - 40,000 - -			
Open for future Adjustment:				
The ship Tory	- - - - - £. 9,000 - -			
Cargo of the Tory	- - - - - 6,000 - -			
		15,000	-	-
		25,000	-	-
	£.	132,982	9	8

* The freight and hire of those ships previous to September 1840 are included in the above stated sum of 119,480*l.* 14*s.* 1*d.*

London, 8 May 1841.

James Pennington.

Sums in respect of the Expenditure, of which the Right of the New Zealand Company to receive Land must be reserved for future Inquiry and Consideration.

	£.	s.	d.
Funds remaining in the Company's hands on the 31st December last, applicable solely to emigration	- - - - -	21,078	8 11
Ditto, being three-fourths of the purchase-money of 10,000 acres of land sold to the Plymouth Company	- - - - -	7,500	- -
(A.) Stores and provisions shipped for the use of the colonists collectively, as per statement	- - - - -	11,319	13 10
(A.) Goods and stores per Cuba, as per statement	- - - - -	8,726	5 7
(B.) Hire of the ships Cuba and Brougham from September to December 1840	- - - - -	1,452	5 -
(C.) The ship Tory	- - - - -	9,000	- -
(A.) Cargo of the Tory	- - - - -	6,000	- -
Payment to the New Zealand Company of 1825, not yet made	- - - - -	10,000	- -
(D.) Bills drawn upon the Company by their agent in New Zealand	- - - - -	3,700	- -
	£.	78,776	13 4
The application to emigration of 15 <i>s.</i> per acre on 50,000 acres of land which the New Zealand Company have contracted to sell to the Plymouth Company	- - - - -	37,500	- -
	£.	116,276	13 4

(A.) The

(A.) The stores and provisions per sundry ships, the goods and stores per Cuba, and the cargo of the *Tory*, amounting together to 26,045*l.* 19*s.* 5*d.*, appear to have been shipped for barter, and for the use of the settlers collectively; and as it is possible that some part of them may have been disposed of for other purposes than those to which they were originally destined, the final adjustment of the sum of 26,045*l.* 19*s.* 5*d.*, in so far as relates to the claim of the Company for land, must, I apprehend, be deferred until an account of the disposal and application of those several shipments is received from the colony.

(B.) The ships *Cuba* and *Brougham* having been engaged by the Company for services required in the colony, the hire of those ships from September (the latest date at which it is known with certainty that they continued in the Company's service) to the 31st December 1840, or to the period to which the colonial expenditure shall be made up, will, I apprehend, be included in the adjustment of that expenditure.

(C.) The ship *Tory* is said to have been lost on her voyage from Singapore to China. If so, the amount recovered from insurance, less the wages paid to her seamen, and the cost of repairs and disbursements since her departure from England, must be deducted from 9,000*l.* plus the cost of the ship's outfit, in order to ascertain the amount in respect of which the claim of the Company for land must be determined.

(D.) The bills drawn by the Company's agent in New Zealand will, I apprehend, merge in the account of the Company's expenditure in the colony, to be hereafter adjusted in London, or in New Zealand, according to the terms of the agreement made with Her Majesty's Government.

London, 8 May 1841.

James Pennington.

ACCOUNT of STORES and PROVISIONS shipped for *New Zealand*.

Per Oriental :	£.	s.	d.	£.	s.	d.
40 Barrels Hambro' Pork - - - - -	135	10	-			
30 Tierces Foreign Beef - - - - -	157	10	-			
Freight, &c. - - - - -	37	14	8			
				330	14	8
Per Aurora :						
100 Barrels of Flour - - - - -	182	10	-			
50 Barrels of Pork - - - - -	169	7	6			
40 Tierces Beef - - - - -	210	-	-			
Freight, &c. - - - - -	94	11	5			
				656	8	11
Per Duke of Roxburgh :						
100 Barrels of Flour - - - - -	182	10	-			
110 Barrels of Pork - - - - -	373	17	6			
80 Tierces of Beef - - - - -	420	-	-			
Freight, &c. - - - - -	121	2	-			
				1,097	9	6
Per Adelaide :						
Freight of Ordnance Stores - - - - -	-	-	-	25	1	1
Per Bolton :						
Freight of Stores shut out of other Ships - - -	-	-	-	5	3	7
Per Glenbervie :						
50 Barrels of Flour - - - - -	-	-	-	94	2	6
Insurance per Ship or Ships - - - - -	217	7	6			
Freight, &c. - - - - -	95	6	9			
				312	14	3
Per Platina :						
36 Barrels Ship-bread - - - - -	160	18	5			
36 Casks for ditto - - - - -	93	3	-			
30,000 Best picked Greystocks - - - - -	60	-	-			
Freight, &c. - - - - -	661	6	-			
				975	7	5
Per Brougham :						
55 Barrels Mess-pork - - - - -	178	15	-			
14 Butts Ship-bread - - - - -	62	11	7			
45 Barrels Mess-pork - - - - -	150	15	-			
35 Tierces Hambro' Indian Beef - - - - -	215	5	-			
140 - ditto - ditto - - - - -	806	15	-			

(continued)

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ZEALAND.

Per Brougham— <i>continued</i> .						£.	s.	d.	£.	s.	d.
15 Tierces India Beef	-	-	-	-	-	90	-	-			
998 Barrels Flour	-	-	-	-	-	1,688	5	8			
14 New 180-gallon Casks	-	-	-	-	-	36	4	6			
Charges, &c.	-	-	-	-	-	85	17	3			
Freight	-	-	-	-	-	1,430	6	-	4,744	15	-
Per Harrington :											
208 Barrels American Flour	-	-	-	-	-	-	-	-	299	17	4
Per Balley :											
192 Barrels American Flour	-	-	-	-	-	283	11	6			
48 Barrels fine Dantzic Flour	-	-	-	-	-	69	4	-			
Freight	-	-	-	-	-	1,225	15	-			
Charges and Expenses	-	-	-	-	-	5	9	-	1,583	19	6
Per Olympus :											
450 Barrels of fine Dantzic Flour	-	-	-	-	-	651	12	8			
Freight, &c.	-	-	-	-	-	148	6	3	799	18	11
Per Lord William Bentinck :											
100 Barrels of Flour	-	-	-	-	-	144	11	8			
Freight, &c.	-	-	-	-	-	32	16	3			
Per London :											
50 Tons of Salt	-	-	-	-	-	88	-	9			
Freight, &c.	-	-	-	-	-	128	12	6			
Shipment per Cuba :											
Blankets, Tobacco, Slops, Guns, Ironmongery, &c.						6,955	11	5			
Freight	-	-	-	-	-	1,539	2	11			
Insurance	-	-	-	-	-	225	4	-			
Charges	-	-	-	-	-	6	7	8			
									11,319	13	10
									8,726	6	-

London, 8 May 1841.

— No. 6. —

No. 6.

J. Somes, Esq. to
Lord John Russell.
18 May 1841.COPY of a LETTER from *J. Somes, Esq.* to Lord *John Russell*.

My Lord,

New Zealand House, 18 May 1841.

WITH reference to Paragraphs 2 & 4 of Head III. of the Arrangement forwarded under cover of Mr. Vernon Smith's letter of the 18th of November last, I have the honour to inform your Lordship that the Directors of the New Zealand Company desire to purchase from the Crown a block of land to the extent of 50,000 acres.

Under the arrangement above cited, it is necessary, in order to the Company's obtaining discount upon the purchase-money of this land, that the payment to the Crown should be made "in ready money." But as it is the object alike of Her Majesty's Government and of the Company that the whole of the sum paid for the block of land now tendered for should be expended in emigration, which the Directors desire to conduct themselves, under the superintendence and control of the Commissioners of Colonial Land and Emigration, it is presumed that it is not your Lordship's wish that any money should actually pass on the transaction. The Directors suppose that your Lordship will be satisfied that the spirit of the rule in question has been sufficiently observed, if a sum equivalent to the price of 50,000 acres of land, at 1*l.* per acre, less the stipulated discount, be expended by the Company in the conveyance of emigrants to New Zealand, within such a reasonable compass of time as may give a sufficient character of unity to the transaction; that an expenditure of this nature would be accepted, in short, as a payment "in ready money."

Under

Under this impression, with regard to your Lordship's views on the point, I beg to state, on behalf of the Directors of the New Zealand Company, that they propose to make the outlay in payment of the purchase-money of the 50,000 acres now offered for, in the following manner:

First, in conveying emigrants to the settlement of New Plymouth (founded by the Plymouth Company of New Zealand, which has now been incorporated with this Company), in the *Oriental*, of 600 tons, which is engaged to sail from Plymouth on the 15th of June next, and in other vessels which it is proposed to dispatch to the same destination in the course of August and September next.

Secondly, in conveying emigrants to a second settlement of this Company, which it is intended to call Nelson (and for the selection and survey of a site for which an expedition sailed from Gravesend in the *Whitby* and *Will Watch* on the 27th ultimo), by vessels, the first of which will sail in August next, and which will follow each other in rapid succession.

It is impossible to bring arrangements of such magnitude, and demanding also such attention to detail, as are necessary for the conveyance of many hundred emigrants to New Zealand, within a narrow compass of time. An attempt to dispatch such a body at once would occasion much inconvenience, and probably an unprofitable increase of expense in this country, and a great hazard of serious distress to the emigrants, involving discredit to the Company and the Government, in the colony. It is on this account that the Directors have not attempted to specify the number of vessels in which it is intended to dispatch the emigrants, on whose conveyance the price of the 50,000 acres, a title to which is now solicited, is to be expended, or the precise date of their sailing respectively; but, they pledge themselves, that the transaction shall be completed before the close of the month of November next.

I take this opportunity of apprising your Lordship, that, from oversight, for which the Directors trust that the want hitherto of an organized system of report and supervision will plead their apology, no notice was given either to the Colonial Department or to the Commissioners of Colonial Land and Emigration, of the sailing in the *Whitby* and *Will Watch*, on the 27th ultimo, of 77 emigrants; of these, 75 were men selected with great care, and with special regard both to physical qualifications and to character, for the purpose of performing the more toilsome parts of the task of surveying the new settlement. They are all married men, and with a single exception, under 30 years of age. They have been promised that their wives and children shall follow them in the first ships that are dispatched with colonists, to take possession of the site selected by the preliminary expedition. Under this explanation, of the correctness of which the Directors will be happy to furnish any proof that the Commissioners may think requisite, they trust that credit will be allowed them in the purchase of the 50,000 acres now tendered for, on account of the expense of conveying the 77 emigrants above mentioned to New Zealand.

I have, &c.

(signed) *Joseph Somes*, Governor.

— No. 7. —

COPY of a LETTER from *R. Vernon Smith*, Esq. to *J. Somes*, Esq.

Sir,

Downing-street, 4 June 1841.

I AM directed by Lord John Russell to acknowledge the receipt of your letter of the 18th ultimo, in which, with reference to Paragraphs 2 & 4 of Head III. of the Arrangement between the Government and the New Zealand Company, you intimate the desire of the Company to purchase a block of land to the extent of 50,000 acres; and you request a relaxation of that part of the agreement which provides that the payment to the Crown for the land should be made in ready money, in order to obtain for the Company the discount to be allowed on such payments.

You assume that it is the object alike of the Government and the Company, that the whole of the sum paid for the block of land now tendered for, should be expended in emigration; which, you state, the Directors desire to conduct themselves, under the superintendence and control of the Commissioners of Colonial Land and Emigration.

No. 7.

R. V. Smith, Esq.
to *J. Somes*, Esq.
4 June 1841.

NEW
ZEALAND.

You assume, therefore, that the Government will be satisfied that the spirit of the rule has been sufficiently observed, if a sum equivalent to the price of 50,000 acres at 1 l. per acre, less the stipulated discount, be expended by the Company in the conveyance of emigrants to New Zealand, within such a reasonable compass of time as may give a sufficient character of unity to the transaction; that an expenditure of that nature would be accepted by the Government as a payment "in ready money."

Lord John Russell considers that it will be difficult to adopt such an arrangement without incurring some risk of confusion and misapplication in the proposed appropriation of funds.

Still, however, his Lordship will consent to adopt the proposal of the Company, in this instance, on the understanding that such concession is not to be considered a precedent, if it can be so arranged that the actual outlay of the money by the time which you specify shall be established to the satisfaction of the Land and Emigration Board, who shall be entitled to employ Mr. Pennington, at the charge of the Company, to investigate the accounts and vouchers of the expenditure, and to report that it has actually been made for the objects and within the meaning of the agreement.

Under all the circumstances, his Lordship further consents that the expense of sending out the 77 emigrants who have already sailed, should be taken into account in the same arrangement.

Lord John Russell directs me to take this opportunity of stating, that after the emigration of the present season, 50 per cent. of the produce of land sales in this country, both from the Company and individuals, will be retained for expenses of survey, aborigines, and other necessary charges of the local government.

I am, &c.
(signed) R. Vernon Smith.

— No. 8. —

No. 8.

J. Somes, Esq. to
Lord John Russell.
4 June 1841.

COPY of a LETTER from J. Somes, Esq. to Lord John Russell.

My Lord,

New Zealand House, 4 June 1841.

THE Directors of the New Zealand Company, perceiving with great regret, from the last paragraph of Mr. Vernon Smith's letter of the 25th ultimo (No. 2, page 2), that some observations contained in my address of the 18th idem have been misunderstood, I hasten to assure your Lordship that I have never intended to allege that "a Government Department is incompetent to conduct sales of land;" nor can I find that I have made an assertion which I should feel to be highly unbecoming. The only passage in which the Government is mentioned in any relation, however remote, to the point in question, is that quoted below*, which, I respectfully submit, merely urges the superiority of the means possessed by the New Zealand Company for conducting the entire process of systematic colonization; a superiority which, it appeared to the Directors, your Lordship had already recognized on several occasions, but especially by the grant of discount or commission on the purchase-money of considerable tracts of land, on the express ground of the public "benefits to be derived from the sale of land by the Company."

I have, &c.
(signed) Joseph Somes, Governor.

— No. 9. —

No. 9.

R. V. Smith, Esq.
to J. Somes, Esq.
15 June 1841.

COPY of a LETTER from R. Vernon Smith, Esq. to J. Somes, Esq.

Sir,

Downing-street, 15 June 1841.

I AM directed by Lord John Russell to acknowledge the receipt of your letter of the 4th instant, containing an explanation of a portion of your letter of the 18th ultimo.

I am, &c.
(signed) R. Vernon Smith.

* "An organized body like this Company, having a very considerable command of capital, and making the systematic colonization of New Zealand its business, brings qualifications to bear upon that end, in respect to which neither the Executive Government on the one hand, nor individuals necessarily deficient in the strength of combination on the other, can compete with it."

— No. 10. —

NEW
ZEALAND.COPY of a LETTER from *R. Vernon Smith, Esq.* to *J. Somes, Esq.*No. 10.
R. V. Smith, Esq.
to *J. Somes, Esq.*
16 July 1841.

Sir,

Downing-street, 16 July 1841.

I AM directed by Lord John Russell to acquaint you that his Lordship has instructed the Colonial Land and Emigration Commissioners to intimate to the public that the uniform price of land at New Zealand will be adhered to for the present in the Government sales; but his Lordship will be ready to receive any remarks, if the New Zealand Company have any to offer, on the subject of future sales.

I am, &c.

(signed) *R. Vernon Smith.*

— No. 11. —

COPY of a LETTER from *J. Somes, Esq.* to Lord *John Russell.*No. 11.
J. Somes, Esq. to
Lord *John Russell,*
29 July 1841.

My Lord,

New Zealand House, 29 July 1841.

THE Directors of the New Zealand Company attach such great importance to the subject of Mr. Vernon Smith's letter of the 16th instant, especially when regarded in connexion with the intimation respecting the appropriation of half the proceeds of future land sales to purposes other than those of emigration, conveyed by that gentleman's letter of the 4th ultimo, that they respectfully avail themselves of the opening afforded them, with so much courtesy, by the former communication, to submit for your Lordship's consideration the following remarks upon the uniform price of 1*l.* per acre for Crown land in New Zealand, which, it is stated, will be adhered to for the present.

2. That uniform price has now been practically reduced, as far as funds available for carrying out labouring emigrants to the colony are concerned, to 10*s.* an acre. For this reduction the Directors were partly prepared by the last paragraph of Mr. Vernon Smith's letter of the 2d December last, though in that passage 50 per cent. of the proceeds of the land sales is specified as the minimum proportion to be "applied towards the introduction of emigrants;" whilst the recent resolution of the Colonial Department declares absolutely that 50 per cent. "will be retained for expenses of survey, aborigines, and other necessary charges of the local Government."

3. Under this resolution, the means of defraying the cost of emigration will amount to 50*l.* for each hundred acres of Crown land sold in New Zealand; a sum little more than sufficient for the conveyance of two adult labourers, say, of one married couple, to that colony. But as the best description of emigrants, couples just married, and without children, cannot be expected to offer in sufficient numbers, a considerable proportion of the aggregate proceeds of the land sales must necessarily be expended in providing passages for children of the adult emigrants, who cannot render any beneficial return to the colony for some length of time. Add to this, that a very large proportion of the emigrants receiving free passage, are not agricultural labourers, but artisans and mechanics, equally essential to the general well-being of the colony, but affording no direct assistance to the cultivation of the soil. When these two large deductions have been made, it may be calculated that of the 50*l.* afforded by the sale of each hundred acres, enough will not remain to bear the charge of the emigration of one strictly agricultural adult labourer, or of the wife of such an individual, to New Zealand.

4. It is needless to insist upon the utter inadequacy of such a relation of labour to land. On the most favourable estimate, there will be, on the average, but one agricultural labourer and his wife to 200 acres. Such a proportion would be insufficient, even in Australia, where the occupation of the labouring classes is mainly pastoral. But as your Lordship justly observes, in your despatch to Governor Hobson of the 17th April last, "there appears to be an essential difference between the soil of New Zealand and that of every district hitherto occupied by British subjects in Australia. The country appears to be

For Mr. Vernon
Smith's Letter,
2 Dec. 1840, vide
Papers relative to
New Zealand,
ordered by The
House of Commons
to be printed,
11 May 1841,
No. 311, p. 88.

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ZEALAND.

essentially fitted for agricultural, and not for pastoral operations, and will require the application of much labour to render it productive." The want of a sufficient supply of labour will be proportionably mischievous.

5. For that evil, which if it obtain to any considerable degree, must greatly retard the progress of the colony, and consequently diminish its value to England, there is but one remedy, namely, to raise the uniform price of land until the surplus, after the reduction of 10 s. per acre "for expenses of survey, aborigines, and other necessary charges of the local Government," be, as nearly as may be found practicable, commensurate with the actual demand for labour. Raising the price to 30 s. per acre would double the existing surplus; doubling the present price would treble the surplus. No one who has paid any attention to the subject, or who has any knowledge of the state of affairs throughout the southern colonies, will doubt, that the capitalist who pays 2 l. per acre for land, and finds three labourers ready to be hired, will make a far more advantageous bargain than he who gives 1 l. only, and can obtain but one labourer. The advantage, indeed, of the former party in the supposed case would be greater than the mere proportions of numbers would indicate. The competition for labour will always, of course, in the circumstances of a new colony, be in an inverse ratio to the number of labourers; the services of the three labourers would be secured for a sum considerably less than three times the wages which the one would be able to command. And even at 2 l. per acre, the interest, at the highest colonial rates, of the money invested in the purchase of an estate of 200 or 300 acres, would bear so low a relation to the yearly cost of the labour necessary for its efficient cultivation, (whilst there is no doubt that such cultivation in New Zealand would yield an extremely large return), as scarcely, by comparison, to be worthy of notice in a capitalist's calculation. It is equally clear, that 100 acres, with the means, as regards labour, of cultivating it efficiently, would be more valuable both to the proprietor and to the society to which he belongs, than twice or three times the quantity of land, however cheaply purchased, or even obtained gratuitously, which a deficiency of labour would prevent him from clearing or bringing under tillage to any good purpose.

6. Regarding the matter in this point of view, and being deeply impressed both with the importance to Great Britain of the prompt and effectual colonization of New Zealand, and of the hopelessness of effecting that end if its progress be stinted by such an insufficient supply of labour as an emigration fund of 10 s. per acre will afford, I venture to submit to your Lordship that it is expedient that the uniform price of land in New Zealand should be raised from 1 l. to 2 l., or at least to 30 s.; and that means should be simultaneously used to inform the public upon what grounds this step is taken, in order that the principle of combining land, capital, and labour in due proportions, as the necessary elements of a sound system, and of practical success in colonization, may be made as clear and familiar to the community in general, as it has already become to every reflecting mind that has given its attention to the subject.

7. I respectfully submit that the duty of enlightening the public mind upon this essential point properly devolves upon the Government, not only on account of its great national importance, but because the Government alone stands above all suspicion of having any selfish end to further in pointing out to emigrating capitalists the benefit of subscribing, as it were, through the medium of a comparatively high uniform price of land, to form a labour fund for the general benefit. At present there exists an ignorant prejudice in favour of cheap land, founded upon habits of thought formed exclusively in this country, where agricultural labour may be said to be always superabundant, and maintained by an equal ignorance that the purchaser of cheap land cannot retain labourers, carried out at his private cost, to cultivate it against competitors for their services, who not having paid the expense of their passage to the colony, can afford to outbid him. It is only when all land contributes equally for the importation of labour that all employers of labour stand on an equal footing in the market, and as this object can be effected only by the instrumentality of the Government, so the Government is best qualified, is, indeed, alone competent to secure general concurrence in a scheme of colonization based on these principles, by giving to all parties concerned its assurance of their soundness, and of its conviction that success is absolutely dependent

dent upon their being consistently followed out. The Directors freely admit that experience alone can determine the precise amount of the rateable contribution which the purchasers of land ought to make to the labour fund; but they submit that, with reference to the circumstances of New Zealand, stated in the opening paragraphs of this letter, there is no need of experience to prove that the moiety of the present uniform price, which alone is now available for purposes of emigration, is altogether inadequate for that end.

8. Soliciting your Lordship's consideration of these remarks, which the invitation contained in Mr. Vernon Smith's letter under reply has emboldened the Directors of the New Zealand Company to offer,

I have, &c.
(signed) *Joseph Somes*, Governor.

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— No. 12. —

COPY of a LETTER from *R. Vernon Smith*, Esq. to *J. Somes*, Esq.

Sir,

Downing-street, 16 August 1841.

I AM directed by Lord John Russell to acknowledge the receipt of your letter of the 29th ultimo, in which you submit the expediency of raising the uniform price of Crown land in New Zealand from 1*l.* to 2*l.*, or at least to 30 *s.* per acre.

In reply, Lord John Russell desires me to request that you will state whether it is the intention of the New Zealand Company to sell their land in that colony at 20 *s.*, 30 *s.* or at 40 *s.* per acre. His Lordship has no objection to raise the uniform price to 30 *s.*, and he would hereafter be prepared to adopt the plan of sale by auction. Should the revenues of New Zealand from customs and other sources prove sufficient to provide for the civil government of the colony, Lord John Russell would be glad to see a larger proportion than 50 per cent. of the land sales fund applied to emigration; but at present provision must be made from the land fund for expenses, which cannot fairly be borne by the people of these kingdoms.

I am, &c.
(signed) *R. Vernon Smith*.

No. 12.
R. Vernon Smith,
Esq. to *J. Somes*,
Esq. 16 Aug. 1841.

— No. 13. —

COPY of a LETTER from *J. Somes*, Esq. to Lord *John Russell*.

My Lord,

New Zealand House, 29 July 1841.

WITH reference to Mr. Vernon Smith's letter of the 28th May last, and its enclosures, I have the honour, on the behalf of the Directors of the New Zealand Company, to inform your Lordship that they are now ready to adduce proof of expenditure, in respect of which they are entitled to a further grant of land from the Crown, and to beg that Mr. Pennington may be requested to investigate the same and report to the Colonial Department.

I have, &c.
(signed) *Joseph Somes*, Governor.

No. 13.
J. Somes, Esq. to
Lord *John Russell*.
29 July 1841.

— No. 14. —

COPY of a LETTER from *R. Vernon Smith*, Esq. to *J. Pennington*, Esq.

Sir,

Downing-street, 16 August 1841.

I AM directed by Lord John Russell to acquaint you that the Directors of the New Zealand Company have reported to his Lordship that they are ready to adduce proof of expenditure, in respect of which they are entitled to a further grant of land from the Crown; and I am to request that you will proceed to investigate the same, and that you will report the result to his Lordship.

I am, &c.
(signed) *R. Vernon Smith*.

No. 14.
R. Vernon Smith,
Esq. to *J. Penning-*
ton, Esq.
16 August 1841.

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— No. 15 —

No. 15.

R. Vernon Smith,
Esq. to J. Somes,
Esq. 16 Aug. 1841.COPY of a LETTER from *R. Vernon Smith, Esq.* to *J. Somes, Esq.*

Sir,

Downing-street, 16 August 1841.

I AM directed by Lord John Russell to acknowledge the receipt of your letter of the 29th ultimo, and to acquaint you, in reply, that Mr. Pennington has been requested to investigate the proof of expenditure, in respect of which you state that the New Zealand Company are entitled to a further grant of land from the Crown, and to furnish a report on the same.

Lord John Russell concludes that this expenditure was incurred previously to the date of the arrangement entered into between Her Majesty's Government and the New Zealand Company.

I am, &c.

(signed) *R. Vernon Smith.*

— No. 16. —

No. 16.

J. Somes, Esq. to
Lord John Russell.
29 July 1841.COPY of a LETTER from *J. Somes, Esq.* to *Lord John Russell.*

My Lord,

New Zealand House, 29 July 1841.

IN acknowledging the receipt of Mr. Vernon Smith's letter of the 15th instant, with its enclosures, the Directors of the New Zealand Company perform a painful duty, no less to the best interests of New Zealand, than to the body which they represent, by respectfully drawing your Lordship's attention to the very unfavourable, not to say hostile view which Governor Hobson appears to take on all occasions of the proceedings of the Company, and of its agents and officers in New Zealand; and to the fact, that though, up to the date of the latest advices, his Excellency had been nearly a year in the colony, he had never visited in person, nor, as far as the Directors are aware, expressed, of late, any intention of visiting the settlement of Port Nicholson, where there is, undeniably, a larger, more wealthy, and more respectable assemblage of British subjects, than at any of the stations throughout the islands under his government, or even at all those stations united.

2. In proof of the correctness of the first allegation, I beg, on behalf of the Directors, to request your Lordship to advert to the concluding paragraphs of Governor Hobson's despatch of the 25th May 1840, to the last paragraph but two of his despatch of the 15th October last, and to the serious, but most unfounded charges conveyed by his despatch of the 10th November last, upon which I had the honour to report to your Lordship, under date the 19th April last.

3. The tenor of the last-cited despatch affords conclusive proof of the practical mischief which has resulted from the Governor's remaining stationary in one portion of the extensive and important territory committed to his charge, and in exclusive communication with parties who must necessarily, however honest their intentions, have a bias in favour of that part of New Zealand in which their own property is invested, and a proportionate interest in depreciating the settlement formed by the Company. On the 25th May Governor Hobson stated to your Lordship, that he hoped "to visit Port Nicholson early in the spring (October);" not having carried this intention into effect, he was led, in November, to give the weight of his official report to the erroneous representations of others, totally at variance with the opinion in respect to the eligibility of Port Nicholson expressed to your Lordship by Governor Sir George Gipps, in his despatch of the 6th October last; and as late as the intelligence from New Zealand extends, Governor Hobson had not afforded himself the opportunity of ascertaining, by personal observation, the capabilities of the Company's settlement, or the attractions which it really holds out to colonists, as compared with those possessed by the settlements to the northward.

4. With respect to the immediate subject of the correspondence, to copies of which Mr. Vernon Smith's letter under acknowledgment gave cover, the Directors submit that if their officers erred in the matter which his Excellency Cap-
tain

*Vide Papers
relative to New
Zealand, ordered
by the House of
Commons to be
printed, 11 May
1841, No. 311,
pp. 15. 113. 126.
& 128.*

tain Hobson reported to Sir George Gipps, it would have been more consistent with the mild spirit of Her Majesty's Government, and with its disposition to encourage all honourable enterprise, if the Governor had pointed out the error which, in his judgment, they had committed, to the parties concerned, and had required them to revoke the measures objected to, before he denounced them to Sir George Gipps, and took, under his orders, (as it seems likely that he has taken,) the strong step of proclaiming, through the police magistrate, that the acts of the Company's agent were unauthorised and invalid. The Directors are confidently persuaded, from the respectful and deferential manner in which their principal agent in New Zealand has uniformly conducted himself towards the Governor of that colony, that he would have implicitly and instantly obeyed any orders which Captain Hobson might have addressed to him on the subject of the lands at Wanganui and Taranaké, stated to have been improperly lotted out for selection. If Governor Hobson had corrected in that manner the mistake alleged to have been made, not only would time have been saved and the settlers of Port Nicholson relieved from much disappointment, which must have resulted from the length of the period during which they were permitted to remain under the impression that they were to obtain land at the places above named, but the officers of the Company would have been spared the unnecessary mortification of having their proceedings cancelled in the peremptory, not to say harsh, manner directed by Sir George Gipps, to the unavoidable detraction from that influence and respect, the enjoyment of which by the representatives of the founders of an infant settlement is so essential to its well-being.

5. The Directors of the New Zealand Company respectfully bring these matters to your Lordship's notice, in the hope that such steps as your Lordship may deem proper to be taken to relieve the Company from the great disadvantage of labouring under the unfavourable opinion of the local Government of the colony in which their operations are carried on, and to afford to the settlement of Port Nicholson the benefit of the personal cognizance of the labours of its enterprising inhabitants, of their loyalty, public spirit, and large contributions to the general wealth and prosperity of New Zealand, by Her Majesty's representative.

I have, &c.

(signed) *Joseph Somes*, Governor.

— No. 17. —

COPY of a LETTER from *R. Vernon Smith*, Esq. to *J. Somes*, Esq.

No. 17.
R. Vernon Smith,
Esq. to *J. Somes*,
Esq. 19 Aug. 1841.

Sir,

Downing-street, 19 August 1841.

I AM directed by Lord John Russell to acknowledge the receipt of your letter of the 29th ultimo, in which you complain of the unfavourable view which Governor Hobson appears to take on all occasions of the proceedings of the New Zealand Company, and of its agents and officers in the colony. His Lordship desires me to acquaint you, in reply, that the friendly relations which it is so important to maintain between the Governor of New Zealand and the Company's agents, would, in his opinion, be rather impeded than advanced, by making the subject of correspondence and admonition those misunderstandings which may unfortunately have arisen while the parties were in ignorance of the negotiations which passed between the Company and Her Majesty's Government at the close of the last year.

I am, &c.

(signed) *R. Vernon Smith*.

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No. 18.

J. Somes, Esq. to
Lord John Russell,
17 August, 1841.COPY of a LETTER from *J. Somes, Esq.* to Lord *John Russell*.

My Lord,

New Zealand House, 17 August 1841.

IN continuation of paragraph 4 of my letter of the 29th ultimo, I have the honour to lay before your Lordship the accompanying copy of a letter addressed by the Company's principal agent in New Zealand to Governor Sir George Gipps, under date the 12th February last, relative to the prohibitory notice issued by his Excellency in regard to the occupation of lands in Wanganui and Taranaké by purchasers from the New Zealand Company.

2. The Directors trust that the tone and temper of that letter (of which they have just received a copy by the Brougham) will completely bear out, in your Lordship's judgment, their representation of the respectful and submissive course which their agent would certainly have pursued if he had been called upon, in a manner more mild and consistent with the nature of the functions which his anomalous position have imposed upon him, to withdraw the notice relative to the allotment for selection of the lands in question with which Captain Hobson found fault; and will therefore afford further demonstration of the needlessness of proceeding against the representative of the Company so disposed, in the peremptory and harsh manner of which the Directors respectfully complain, as calculated to detract gratuitously from their officer's influence, and consequent usefulness.

I have, &c.

(signed) *Joseph Somes.*

Enclosure in No. 18.

Sir,

Wellington, 12 February 1841.

I BEG leave to call your attention to a recent notice, published by command of his Excellency Sir George Gipps, referring to an advertisement issued by the surveyor-general of the New Zealand Company respecting Wanganui and Taranaké, in this island, and prohibitory of purchasers of land from the Company settling in those districts.

As the representative of the Company in New Zealand, I have to request you to assure his Excellency of my desire to comply most strictly with the law enacted by the local Government regarding land in these islands, and to submit the following explanation of the circumstances attending the surveyor's advertisement, and the location of settlers in the above-mentioned districts.

Prior to the return hither of the deputation from the settlers to his Excellency, and to the grateful acceptance of his recognition of their titles to 110,000 acres in this district, upon condition of their taking them in one continuous block, it had been my intention to permit a selection, according to the conditions of the Company's sales, over the whole of the first and principal settlement, which would have included the Company's possessions on the north side of Cook's Strait.

It was with this view that the advertisement was issued; but so soon as I became aware of his Excellency's decision, I ordered the notice to be discontinued, and took steps to fulfil the conditions upon which the recognition of the titles of the first purchasers depended.

In the meantime sales of land by the Company beyond the 110,000 acres continued at home, and every vessel brought out fresh settlers, expecting to be put in possession of their purchases.

Presuming from the favourable countenance shown by his Excellency to the first settlers, who had embarked their capital and brought their families to share in the work of colonizing New Zealand, that an equal protection would be afforded to all comers; and, from the language of the deputation, that no objection would exist on the part of the Governor to the Company opening other districts, subject to the conditions of reference to the Land Commission, taking the land in blocks, in opposition to that plan of selection tantamount to the system of special surveys, and liability to a certain expenditure equivalent to purchase-money paid to Government, I authorised a survey of the districts of Wanganui and Taranaké, and the location of settlers arriving from England therein.

It remains for me, therefore, to submit to his Excellency my desire, on the part of the Company, to open the land for selection at Wanganui and Taranaké, according to the terms prescribed in the instance of the district of Port Nicholson; and to express a sanguine hope that, considering the claims upon his consideration of a well-disposed body of emigrants already arrived and increasing every month within his jurisdiction, they may be afforded the same rights and privileges as have been accorded to their precursors.

I will not further trespass upon your time by urging the claims of the New Zealand Company to an exemption from the regulations adopted towards other claimants of land, in consideration

consideration of its expenditure of 75 per cent. of the proceeds of its sales in emigration, of the great cost of the surveys, of its immigration establishment here, of its vessels placed at the orders of the Government, and used for the maintenance of law and support of the Queen's Government in Cook's Strait ; from a conviction that his Excellency is well aware of these facts, and how doubtful it is whether any profit can ever accrue to the Company under the liberal system its Court of Directors has adopted for the colonization of its possessions.

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The Honourable the Colonial Secretary,
&c. &c. &c.
New South Wales.

I have, &c.
(signed) *W. Wakefield.*

(True copy.)
(signed) *Joseph Somes.*

— No. 19. —

COPY of a LETTER from *R. Vernon Smith, Esq.* to *J. Somes, Esq.*

No. 19.
R. Vernon Smith,
Esq. to J. Somes,
Esq. 27 Aug. 1841.

Sir,

Downing-street, 27 August 1841.

I AM directed by Lord John Russell to acknowledge the receipt of your letter of the 17th instant, enclosing copy of one addressed by the principal agent of the New Zealand Company to the Governor of New South Wales relative to the prohibitory notice issued by Sir George Gipps in regard to the occupation of certain lands by purchasers from the Company. His Lordship desires me to state, with reference to the observations which he addressed to the Company on the 19th instant on the subject of the misunderstanding between the Governor of New Zealand and the Company's agents, that in his Lordship's opinion Colonel Wakefield's letter deserves the praise of temperance which the New Zealand Company claim for it.

I am, &c.
(signed) *R. Vernon Smith.*

— No. 20. —

COPY of a LETTER from *J. Somes, Esq.* to Lord *John Russell.*

No. 20.
J. Somes, Esq. to
Lord John Russell,
20 August 1841.

My Lord,

New Zealand House, 20 August 1841.

I HAVE the the honour to acknowledge the receipt of Mr. Vernon Smith's letter of the 16th instant, and in reply to your Lordship's request that I will state whether it is the intention of the New Zealand Company to sell their land in that colony at 20 s., 30 s. or at 40 s. per acre, to submit the pledge of the Directors that they will never sell any land cheaper than the uniform price fixed by the Crown for the time being. The Company are selling no land at present in this country for less than 30 s. per acre ; and they have directed their principal agent in New Zealand on no account to allow the upset price on land offered by the Company for sale by auction to be lower than the uniform price of Government for the time being.

The Directors take this opportunity of submitting, with reference to the latter part of Mr. Vernon Smith's letter under reply, that they were totally unprepared for the communication made to them by the last paragraph of that gentleman's letter of the 4th June last. They had certainly concluded from the tenor of clause 4 of head III. of the draft of an arrangement between Her Majesty's Government and the New Zealand Company, that it was intended that for a considerable term, at least, the whole of the money paid by the Company for the purchase of land in New Zealand, would be laid out in the removal of emigrants to that country ; and under that persuasion, they supposed that the last paragraph of Mr. Vernon Smith's letter of the 2d December last related exclusively to purchases by private individuals. The Directors believed that the phrase "for the present," with which the clause above cited commenced, was introduced for the sole purpose of protecting the Government from the embarrassment of an absolute and unlimited pledge, in the event of experience proving that it would be indispensable to appropriate

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a part of the sums which might be paid by the Company for land to purposes other than those of emigration. But it was not supposed that such a contingency could arise for some years, nor at any time, unless circumstances should clearly be such as to show that the system established under the arrangement referred to positively required modification; and on the faith of this understanding the Directors addressed to their principal agent in New Zealand detailed instructions, under date the 26th April last, for his guidance in the disposal of the Company's lands, from which the passages quoted on the

"Whatever may be the amount of emigration outlay in respect of lands already the property of the Company, that sum, paid from time to time in emigration conducted by the Company, under the superintendence of Government, will constitute in effect the purchase-money of more land for the Company, which again may be resold with a similar provision for emigration. This second emigration will again purchase more land, and so on continually, until it shall no longer be expedient for the Government or the Company that more labourers should be conveyed to New Zealand."—Paragraph 6.

"The Crown has adopted the principles, first, of an uniform price, and secondly, so far as regards payment by the Company, of the employment of the whole of the proceeds of sales in emigration."—Paragraph 8.

margin are extracts. These passages, which are in entire accordance with the spirit of the whole despatch (of which I have the honour to enclose a printed copy), demonstrate that the Directors did not entertain the smallest anticipation of any immediate or early change of the system, which, as they conceived, had been established by the arrangement which settled the relations of the Company with the Government, and upon which system, consequently, they have founded (as their despatch of 26th April last will show) the whole of their own system of sales. It would now seem that those relations have been altered, with a suddenness precluding the possibility of testing the soundness of the system, which has thus been superseded before it came into actual operation. For the change is

announced in the letter accepting the first tender made by the Company for the purchase of land, and for paying for the same by carrying out emigrants; and this change will necessarily compel the Company to supersede their own plan of sales, even before that plan has come into actual operation, though it has been announced to the public, and the faith of the Company is pledged for carrying it into effect.

The Directors earnestly request your Lordship's reconsideration of a matter so vitally essential to the interests of the Company, and the progress of colonization in New Zealand.

In conclusion, the Directors beg to represent that, for the reasons stated in my letter of the 29th ultimo, and which therefore they will not reiterate, they consider it very desirable that the uniform price of land should be fixed at 40 s. rather than at 30 s. per acre.

I have, &c.

(signed) *Joseph Somes*, Governor.

Enclosure in No. 20.

New Zealand House, Broad-street-buildings,
26 April 1841.

Sir,

Encl. in No. 20.

1. By desire of the Court of Directors, I enclose for your information a copy of the award made by Mr. Pennington of the sums in respect of which it has been arranged by Her Majesty's Government that the Company shall receive grants of land from the Crown at the rate of 5 s. per acre.

2. You will observe that this award, while it embraces the Company's past expenditure and liabilities for colonization, so far as the amount can at present be ascertained, recognises claims on the score of unascertained expenditure, and also under the head of liabilities, by which the quantity of land to be granted to the Company without further payment must be greatly increased.

3. In estimating the quantity of land thus placed at the Company's immediate disposal, it is necessary to deduct the whole of that which the Company has engaged to deliver to purchasers, either by special contract or under published regulations. I enclose a statement of the quantity coming under this last description.

4. The remainder, amounting at least, in so far as the award is at present final, to 800,000 acres, constitutes a property which cannot be estimated in ultimate money value, according to the lowest price at which the Crown has determined to sell public lands in New Zealand, at less than 1 l. per acre, or 800,000 l. This sum the Directors feel satisfied that it would be in their power to realize in the course of time by gradual sales, and without further contributions by the Company in respect of these lands to the emigration of people. Still less can there be any doubt that, inasmuch as these lands are granted to the Company on the score of past expenditure for colonizing purposes, the Company would be justified in dividing the whole of the proceeds of such gradual sales among the shareholders. But there

there is a far more important question than the legal and moral right of the Company to sell these lands for the immediate and exclusive benefit of the shareholders, for the mere purpose, that is, of replacing with profit the capital which has been laid out in acquiring the lands; and this question is, whether it would be politic, with a view to the ultimate advantage of the shareholders, to adopt such a course. The Court are decidedly of opinion that it would not. I am desired to state their reasons for this conclusion.

5. By the charter which it has pleased Her Majesty to grant to the shareholders, they are incorporated; extensive powers are bestowed upon them as a Company, and they are required to increase their capital very largely, for the purpose of becoming the principal instrument of the State in the colonization of New Zealand. If the object of this charter should be fulfilled, the operations of the Company will not be confined to the disposal of lands acquired by means of past expenditure and liabilities, but will extend to further purchases from the Crown, to the conduct of emigration in proportion to such further purchases, and to the formation of settlements in whatever part of the islands natural circumstances may hold out the prospect of gain by such undertakings. The Directors, therefore, feel it incumbent on them to consult, not merely the present advantage of the shareholders, but also their future interest, which, with good management, will be in proportion to the magnitude of the Company's future proceedings. As the Company has future objects of such importance in view, the Directors think that it would be a narrow and short-sighted policy on their part to dispose of the Company's present property in land for the mere purpose of putting money immediately into the pockets of the shareholders. It appears to them of essential importance to the greatest prosperity of the Company in the long-run, that in the disposal of every acre of land that may come into its possession, the principle of colonization on which the Company was founded, and to which it has thus far faithfully adhered, should be as strictly observed as if there were a legal obligation to that effect. If the Directors were now to sell any land for a less price than that which is required by the Crown, or without providing emigration in proportion to the land sold, that principle of colonization would be set at naught. Evils of various kinds could not but ensue. The Crown would be undersold in the land market, and Her Majesty's Government would have just cause to repent of the liberal arrangement that has been made with the Company. Emigration not being supplied in proportion to private property in land, labour would be more scarce; and not only would the colonists generally have reason to complain of a public injury, but those who had before bought land of the Company, and whose purchase-money had furnished the means of emigration in proportion to the extent of that land, would be seriously damaged by finding the labour which they had imported taken away from them by other buyers from the Company, who had not provided for any emigration. The first purchasers would almost have a right to complain of bad faith on the part of the Company, which has always held out the prospect that not less than 15s. per acre would be devoted to emigration. In this way the prosperity of the settlers would be checked, and the Company's character for public spirit and faithful adherence to its engagements would be damaged. In the end, the shareholders would be the greatest sufferers. The Directors have resolved accordingly, that unless some great change should take place in the position of the Company, such as appears altogether improbable, none of the land acquired by means of past expenditure shall be sold for less than the general minimum price of Crown lands, namely, 20s. per acre, and that not less than 15s. per acre of the proceeds of sale shall, as heretofore, be devoted to emigration.

6. The Directors are moreover satisfied that in thus providing against injury to the settlers and to the character of the Company, they make no sacrifice of the merely pecuniary interest of the shareholders. Whatever may be the amount of emigration outlay in respect of lands already the property of the Company, that sum, paid from time to time in emigration conducted by the Company under the superintendence of Government, will constitute in effect the purchase-money of more land for the Company, which again may be resold with a similar provision for emigration. This second emigration will again purchase more land, and so on continually, until it shall no longer be expedient either for the Government or the Company that more labourers should be conveyed to New Zealand; when the proceeds of the sale of all lands remaining to the Company will fall to the shareholders in the shape of profits and replaced capital. This view of the course of operations is illustrated by the plan of the second colony. Supposing the lands forming this second settlement to be taken from those acquired by past expenditure, their sale would nevertheless provide a fund for emigration amounting to 150,000*l.*; and this sum, according to Lord John Russell's arrangement with the Company, will constitute the purchase-money of other lands. Those other lands being treated in the same way, care always being taken that the expenditure for emigration shall not be less per acre than the price paid to the Crown for lands, the colonizing operations of the Company might proceed without the employment of any further capital. It is not, however, intended by the Court, as you will see presently, to make arrangements for sparing the use of the Company's capital in colonization: I am desired to show how it might be spared, only for the purpose of explaining that it will be rather advantageous than injurious to the holders of the Company's stock to make the sale of the lands granted to the Company in respect to past expenditure provide for emigration at the same rate per acre as the purchase of other lands from the Crown.

7. Thus far it has been supposed that the price at which the lands obtained by grant should be sold might not exceed 20s. per acre, 15s. per acre being devoted to emigration,

and 5s. per acre reserved for the Company's expenses and profits; but the Directors are of opinion that a much higher price may be obtained, and with advantage to all the parties concerned. Here again I must state their views at some length.

8. When this Company and its plan of dealing with lands were formed, the functions which it undertook were, in so great a measure, those which belong to the Government, that the Directors naturally adopted that principle in the disposal of lands, which appears the most suitable for merely public objects. Reserving of necessity some portion of the proceeds of land sales, to cover the expenses of the Company and provide interest for its capital, they determined to sell all lands at an uniform price per acre, and to devote to emigration three-fourths of the proceeds of sales. The position of the Company is now entirely changed, being that of a land company or individual having purchased and intending to purchase from the Crown. The Crown has adopted the principles, first, of an uniform price, and secondly, so far as regards payment by the Company, of the employment of the whole of the proceeds of sales in emigration. As respects all purchases by the Company from the Crown, the plan of an uniform price, and of providing for emigration in proportion to the land sold, will be followed. As a buyer of land, the Company is obliged to pursue the course which was at first marked out for it as a seller. But this grand point being secured, the Company is now, as a seller, at liberty to obtain for its land the highest price that others may be willing to pay. The sales will henceforth (with the exception as to emigration to which I have before adverted, and which arises from the great extent of land at the disposal of the Company) be like those of any individual who has purchased from the Crown. In order, like other private sellers of land, to take advantage of competition, the plan of an uniform price must be abandoned in favour of sales by auction, with ample notice. This is the method of proceeding on which the Directors have resolved.

9. The change of plan involves many other alterations in the course of the Company's operations. In order that auction sales should produce competition, it is absolutely necessary that the quantity of land put up for sale at any one time and place, should not exceed the demand at that place and time. In the case of a Government possessing the whole of the waste lands of a new country, the price at which land would sell by auction would depend entirely (within the limits of a maximum beyond which it would be worth nobody's while to buy) on the quantity from time to time laid open to purchasers; but this absolute power over the selling price is not possessed by a Company re-selling what has been purchased from the Government at an uniform price. In the latter case, by too much limiting the quantity, purchasers would be driven away from the Company's settlements, to buy from the Government at the uniform price. For the general purposes of the Company a medium should be observed in the extent of land brought to sale, neither, on the one hand, offering so much as would scarcely allow of competition, nor on the other, restricting the quantity so as to discourage purchasers. Unceasing attention to this principle is a new duty imposed on the Company's agents in the colony by the determination of the Court to sell by auction. Another consequence of this resolution is, that sales can no longer be accomplished in this country, and still less sales of unspecified lands, as may be easily managed with an uniform price when priority of choice is determined by lot. Money may indeed be received here on account of future purchases by auction, and the person paying this money on account may become entitled to nominate his own labourers, if properly selected, for a free passage out of the Company's emigration fund; but further than this all payments for land must take place on the spot. This at least must be the rule, allowing for exceptional cases, in which the Company should resolve, in order to form a new settlement, to sell a tract of land at some uniform price per acre, with a lottery for priority of choice, as in the case of the first and second colonies, in which the purchasers from the Company reap all the advantage of future competition for the land acquired by them. It follows that a large proportion of the payments for land will take place in the colony. The arrangements consequent on this new responsibility of the Company's colonial servants will be particularized further on.

10. In the next place, it is a consequence of adopting the plan of sale on the spot by auction, that lands of various qualities with respect to fertility of position should be offered for sale at various upset prices. The determination of these various upset prices is another new duty imposed on the Company's colonial agents. But there are some rules and some prices which may be laid down by the Directors for their guidance. Under no circumstances should any land be offered for sale at a lower upset price than the uniform price required by the Government for new land; and it may be presumed that in most cases, bearing in mind the engagements of the Company with respect to emigration to the land sold, that the upset price of even ordinary lands, supposing always that the quantity offered for sale was not excessive, might exceed the uniform price of the Government. As respects much land the upset price might be considerably higher. Wherever peculiar advantages of situation and the course of settlement indicated that a town or village might be established, or even where there was likely to arise a more than ordinary competition for land for the purposes of agriculture, it would be right to fix the highest upset price that would not be so high as to defeat the object of the sale. Town and suburban allotments might often be put up at prices varying according to situation and quality, from ten to several hundred pounds per acre. And lastly, it is indispensable that notice by advertisement should be given of all sales, allowing time for intending purchasers to reach the spot by the day of sale; and that as respects the more important sales, such as the sites of towns, or any rural land enjoying peculiar advantages, the advertisement of sale should be extended to the neighbouring colonies of Australia.

11. The Court have not lost sight of two other effects of substituting the plan of sale in the

the colony to that hitherto pursued of selling here. Hitherto the purchase-moneys received by the Company have been advanced by the buyer, in anticipation of obtaining a conveyance as soon as the survey should be completed; and thus the Company was, irrespectively of its capital, provided beforehand, as it were, with funds for emigration. According to the present system, only specific portions of land will be sold, which involves the necessity of surveying before the sale; and no emigration fund will accrue from the sale of land until delivery of the land itself to the purchaser.

12. In order to meet the first of these changes, it will be more than ever necessary that the surveys should be kept in advance of the demand for land. You will have observed that by the arrangement with Her Majesty's Government and Mr. Pennington's award, it has been settled that the cost of surveys in respect of land sold down to the 31st of December last, shall be repaid to the Company in the shape of land, at the rate of 5 s. per acre; and that in respect of outlay for the survey of other lands, the Company (subject to a certain mode of arbitration for determining the amount) shall receive land from the Crown at the rate from time to time of the actual price of Crown lands. In the end, therefore, the Company will recover the whole cost of surveying, provided, that is, care be taken to keep down the expense to such a rate per acre as shall be deemed reasonable by the arbitrators. The Court wishes to draw your especial attention to the condition on which the expense of surveying will be repaid to the Company. It is of the last importance that the Company should adopt the cheapest mode of surveying not inconsistent with accuracy or despatch. Supposing that the surveys will be thus carried on, there appears no more legitimate mode of investing the Company's capital; since, in the case supposed, the whole outlay will be virtually the purchase-money of new land. The arrangement made by Lord John Russell appears equally advantageous to the Company, which never could have ultimately borne the expense of surveying in detail, and to the Government, which is thus enabled to promote the rapid colonization of New Zealand by means of advances of the Company's funds for the purpose of surveying.

13. The increase of the Company's capital, which has been required by the Government, provides against any evil from the second of the changes to which I have just before adverted. Although sales by anticipation in this country will no longer provide beforehand funds for emigration, there is no reason why the Company's emigration proceedings should wait for sales of land in the colony. When Lord John Russell advised Her Majesty to confer important privileges upon the Company, he also obliged it to raise more capital for the implied, not to say express purpose of promoting emigration. If the Company were to have large powers, it was also enjoined to carry on operations on a large scale. It appears to have been an especial object with the Government that funds for emigration should be provided, even before much land should be sold. And there can be no doubt, that for the purpose of the Government, which is the rapid colonization of the islands, as well as for that of the Company as a body of shareholders, which is profit by the means of sale of land, it is most expedient that emigration to the Company's settlements should be steadily carried on by means of advances from the Company's capital in anticipation of land sales. If the land were offered for sale before the emigration in respect of it had taken place, competition for the land, and the price obtained by auction, would be far less than if the first step were to convey population to the land, and the second to offer the land for sale. By thus anticipating its sales of land, the Company may obtain a much higher price than has ever before been paid for waste lands in a new country. The high prices recently given for waste lands at the Government auction sales at Port Philip and Portland Bay were paid in anticipation of the arrival of people to give a real value to the land: if the people had arrived before the land was offered for sale, if a sum equal to a considerable portion of the purchase-money had been laid out beforehand in conveying population to those settlements, it is hardly to be doubted that still higher prices would have been realized. The calculation which shows the advantage of sending the emigrants first, and selling the land after their arrival, is extremely simple; it consists of a computation of the difference between interest on the sum employed beforehand for emigration, and the increase of price at the sales occasioned by the previous immigration. To all who have any practical acquaintance with this subject, the balance in favour of advances for emigration will appear very large. It is accordingly the intention of the Directors to employ the Company's capital in affording to its several settlements, according to the funds at the disposal of the Court, and the demand for labour at each place, a continuous supply of labouring emigrants, consisting, as far as possible, of young married couples.

14. I have said before, that the Court deems itself pledged, for the present at least, to devote not less than 15 s. per acre of the proceeds of land sales exclusively to emigration. This engagement settles, as respects the Company's lands, the minimum of the proportion in which every sale of land will conduce to emigration. But it appears to the Directors, on the reasonable supposition that an average price of several pounds per acre may be obtained for the Company's lands, that more than 15 s. per acre might be spent on emigration with advantage to the shareholders as well as to the colony. The interests of the colony, indeed, may be said to be identical with those of the shareholders. If the shareholders reap large profits, they will be disposed still further to augment the Company's capital, and to pursue colonizing operations on a still larger scale, which would, more than anything else, conduce to the advantage of the settlers: if the settlers should greatly prosper, the present active disposition of capitalists to settle in New Zealand will appear languid in comparison with

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the future; the Company's money will be turned in less time; and higher prices will be obtained for its land. Now it appears to the Court, that the prosperity of New Zealand, as a colony, depends on the proportion per acre in which the appropriation of land as private property shall conduce to emigration; and, secondly, that the uniform price of 20 s. per acre at present required by the Crown, is too low for a due proportion between land sales and the immigration of people. The evil to be feared from this low price of public land is a scarcity of labouring hands. The lowness of price operates in this direction by two different processes; in the first place, it enables emigrant labourers to buy land and set up for themselves very soon after their arrival, so that the amount of labour in the market is diminished before an adequate supply of fresh hands has been procured by immigration; secondly, the means of paying for immigration in proportion to land are small according to the lowness of the price. By the one process, the number of hands brought into the settlement is too small; by the other, those hands cease too soon to work for hire. The result is a scarcity of labour, than which there can be nothing more disadvantageous to all classes of the people in a new colony. The means of obviating this evil are so completely within the reach of Government, that it is to be hoped they will be ere long adopted. A perfect security for an adequate supply of labour would be at once afforded if the Government should either determine to sell all the public lands by auction, limiting the quantity offered for sale so as to make sure of high prices through competition, or if the uniform price of public lands should be raised sufficiently for the end in view. It is to be hoped that as this subject becomes better understood, the Government will provide, by one or other of these means, against a scarcity of labour in New Zealand. The Directors have supposed that it will, meanwhile, be in the power of the Company to secure an adequate supply of labour for its own settlements. Supposing the plan of sale by auction to produce an average price considerably above 20 s. per acre, (and of this there can be no reasonable doubt if the lands are well selected and judiciously brought to sale,) the Company's emigration fund may be advantageously increased. The amount of the increase must of course depend on the Company's receipts, and it is therefore impossible to name any rate per acre. Nor would it be convenient to determine now any per-centage on the whole proceeds of sale. The per-centage already fixed as to the minimum price of 20 s. would be too high if applied to the whole receipts; and a far lower per-centage on the whole receipts might give a larger emigration fund than 75 per cent. on the minimum. If competition should operate as is expected, 30 per cent. on the whole receipts may produce more than 75 per cent. on the upset price, and a greater emigration fund per acre. The confident hope of the Directors is, that at all events the prices obtained will be such as to afford very large profits to the shareholders, and a larger rate of emigration fund than 15 s. per acre.

15. It would not be possible, nor is it requisite, to describe very particularly on this occasion the arrangements contemplated by the Directors for placing in safe custody the large sums of money that will henceforth be received in the colony. The principle of such arrangements may, however, be mentioned here. The Union Bank of Australia affords a great facility to this Company, as respects the safe keeping of its colonial funds. The Directors understand that a branch of this bank will be established at each of the Company's settlements, as soon as the number of people there shall be such as to give assurance of profit from banking operations; and they propose to make an arrangement with the Directors of the bank here, by which the purchase-money of the Company's lands may be paid into the colonial banks. Supposing an intending purchaser to pay any given sum into the bank on account of the Company, a written acknowledgment of its receipt by the bank would be taken as money at the Company's sales; or if the intending buyer should change his mind, he would re-appropriate his deposit by returning the acknowledgment of receipt. You may expect to hear by an early occasion that an arrangement of this character has been completed in detail.

16. The Directors are happy to acquaint you that the sale of lands here for the second settlement has been highly satisfactory. Even before the departure of the preliminary expedition the deposit has been paid on 300 out of the 1,000 allotments, and by parties of whose ability and intention to complete the purchase there is no doubt whatever. The number and respectability of the persons who already contemplate emigrating to Nelson in the autumn, gives the Directors an assurance that the second colony will even surpass the first in importance as a body of settlers. Your instructions with respect to the selection of the site of the Nelson settlement will be transmitted to you in a separate despatch.

17. But it is desirable to mention here a determination of the Court, which may give you some employment with respect to the Nelson settlement, even before the site shall be chosen. The Directors have received information from New South Wales, as well as New Zealand, which induces them to think that some portion of the preliminary lands in the first settlement ought to have been reserved for sale to parties residing in and in the neighbourhood of New Zealand. The settlement which has since taken place at Port Nicholson adds to the number of persons who might be apt to feel annoyed at not being allowed an opportunity of participating in the purchase of preliminary lands in a new settlement, where the value of land is almost sure to increase with great rapidity. But this sentiment of ill-will towards the Company, and jealousy towards the purchasers of its preliminary lands, may be easily averted. In order that many at least of the settlers in New Zealand and the neighbouring colonies, who may be disposed to take an interest in the Nelson settlement, should be enabled to accomplish their wishes on equal terms with purchasers in

England,

England, the Court places at your disposal, for sale in New Zealand, 200 of the 1,000 allotments. The plan on which you must dispose of them is fully described by the following advertisement, which you will insert in the newspapers published in New Zealand, and which the Directors will transmit to New South Wales, Van Diemen's Land, Port Philip, and South Australia, for insertion in the local newspapers of each colony :

"The Court of Directors of the New Zealand Company hereby give notice, that they have reserved for sale to persons resident in New Zealand or the Australasian colonies, 200 of the 1,000 allotments mentioned in the printed 'Terms for Purchase of Lands,' in the Company's second settlement, bearing date New Zealand House, 15th February 1841, copies of which may be obtained from Messrs. — & Co. of this town.

"These 200 allotments have been entered in the registry of applications, under the numbers 401 to 600, both inclusive ; and the rights of choice in respect of the said numbers will be determined by lot in England, as in the case of all the other allotments.

"Intending purchasers of these allotments must deposit the whole purchase-money (300 *l.* for each) into any of the local branches of the Union Bank of Australia ; and on presenting or transmitting to the Company's acting principal agent in New Zealand, at Port Nicholson, an acknowledgment of the receipt of such deposit by the bank, the depositor or his agent will receive from the Company's said principal agent a written declaration of the number in the registry of applications awarded to such depositor, with an undertaking to deliver the sections which such depositor or his agent may select in respect of the right of choice falling by lot to such number in the registry.

"The numbers in the registry will be awarded strictly in the order of the presentation of such deposit receipts to the Company's said principal agent.

"In case deposits should be made for a greater number of allotments than the 200 placed at the disposal of the Company's agent in New Zealand, the deposit receipts in respect of any such extra allotments will not be accepted, and the whole amount of the deposit will be returned to the depositor, with interest at the current rate of interest on deposits allowed by the Union Bank of Australia.

"No deposit receipts will be accepted after the Company's principal agent in New Zealand shall have learned that the drawing of lots for priority of choice has taken place in England.

"It is expressly stipulated, that all deposits and applications shall be made subject to such regulations as have been, or may hereafter be, made by the Company for the disposal and final delivery of preliminary lands in the second settlement.

"By order of the Court,

"New Zealand House, London,
"22 April 1841."

"*F. Dillon Bell*, Secretary pro tem."

18. The printed "Terms of Purchase," together with the above notice, sufficiently explains the course of proceeding under the determination of the Court to set apart these 200 allotments for local sale. It is necessary, however, to direct your attention to that part of the notice which declares that deposit receipts will not be accepted after the Company's principal agent in New Zealand shall have learned that the rights of priority of choice have been determined here. The drawing of lots for priority of choice will probably not take place till the month of July, or even August. At the moment, however, when the Company's agents in New Zealand shall learn, either by despatch from the Court or otherwise, that the lots have been drawn, it will be indispensable to put a stop to the acceptance of deposit receipts. If any numbers should not at that time have been applied for, the allotments in respect of them will remain the property of the Company, and will be disposed of hereafter in the same way as the 100 allotments originally reserved for the Company by the printed terms of purchase. You will perceive that this precaution is required, in order to prevent any selection of numbers by collusion among applicants having a knowledge of the rights of choice determined to particular numbers by lot in England. It at once imposes a heavy responsibility on yourself, and evinces the confidence of the Court in your watchfulness and probity.

19. You have been already made aware of the intention of the Directors to submit to the shareholders a proposition for the union of the Plymouth Company of New Zealand with this Company. The Directors have no doubt that their suggestions in this respect will be adopted in a few days. Except as regards mere forms, therefore, they already consider the settlement of New Plymouth, and all the arrangements for the disposal of land there, and for the conveyance of emigrants thither, to be under the management of this Company. With these views they have been desirous of appointing a gentleman to act as the agent of the Company at New Plymouth, under your general direction ; and they have selected for this purpose Captain Liardet, of the Navy, a very distinguished officer, who appears to them to possess in an eminent degree the qualities required for such an office. Captain Liardet will take his passage to New Zealand in the *Whitby*. It is deemed of importance that, before proceeding to his post, he should have constant opportunities of intercourse with his

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friend Captain Wakefield, from whose long and familiar acquaintance with the subject of colonizing New Zealand, it is hoped that he may obtain valuable information for his future guidance. It is not in the power of the Directors, before the junction of the Companies, to make out Captain Liardet's appointment in due form; but they have no doubt of being able to forward it by the next vessel proceeding to New Zealand. He is so good as to undertake the voyage, trusting to them that his formal appointment will follow as soon as possible.

20. It is the particular desire of the Court that the harbour on the shore of which New Plymouth may be built should be called Port Eliot, which is the name of a residence of Lord St. Germans in Cornwall. The Directors wish that the compliment to Lord Eliot were as adequate to the debt of gratitude which all the settlers in British New Zealand, no less than this Company, owe to his Lordship, as the name is suitable to that harbour which is destined to be the chief port of arrival for emigrants from the West of England.

21. The more intimate union of the shareholders in the Plymouth Company with those of this Company, and the arrival of the preliminary expedition of the second colony, will presently impose upon the Company's servants in New Zealand more extensive, though certainly not more arduous duties, than those which you have hitherto performed with equal credit to yourself, and advantage to the Company and the settlers at Port Nicholson. Three distinct settlements will soon claim your watchful superintendence, to the extent of the Company's functions in each place. It is desired that, under all circumstances, Wellington should be your permanent residence; for the Directors continue to entertain no doubt that this town will be the metropolis of New Zealand, as respects population, commerce, and wealth, let the seat of government be where it may. But besides the duties which you will continue to perform at and in respect of the Wellington settlement, and which will belong to Captain Wakefield at Nelson, and to Captain Liardet at New Plymouth, you will have to exercise a general authority over those officers, and will be exclusively charged, for the present at least, with the conduct of matters of a general character. The Directors may hereafter think it desirable to establish a board or council, consisting of the Company's principal officers, for the management of its affairs in the colony; but in the infancy of the settlements they very much prefer a single authority and responsibility in each place, and a general authority at the principal settlement, to which the officers of each of the other settlements shall be responsible, and which shall itself be singly responsible to the Court. Captains Wakefield and Liardet therefore will make reports to you for the information of the Directors, and will receive through you their instructions from the Court. It will, however, be their duty to transmit to the Court by every opportunity of direct communication, copies of reports sent, or intended to be sent to you. They will also be held bound to obey any instructions emanating from yourself. Your own experience of the advantage of being allowed the free and prompt exercise of individual judgment, in a course of duties subject to the disturbance of unforeseen accidents and emergencies, renders it almost needless for the Court to suggest that your instructions to the Company's principal officers at Nelson and New Plymouth should be of the most general kind, if not confined to statements of objects and principles. Any officer thoroughly informed so far would be unfit for his trust, if he could not supply decisions as to the best means of execution. Indeed, success in enterprises of this sort depends in so great a measure on personal character, that it is better to confide over-much than too little in individual conduct. But the doctrine holds good only in cases where the subordinate officer has been selected exclusively on account of his personal qualities. The Directors are satisfied that it will not mislead you in the present instance.

22. In the despatch transmitted to you on this occasion, on the subject of the selection of lands to be granted in respect of Mr. Pennington's award, the Court has sufficiently expressed its conviction, that justice and policy equally require that the best assistance of the Company should be extended to all the settlements without partiality or distinction. At the same time, it appears to the Directors that the Company is under positive obligations to the settlers at Port Nicholson to endeavour, by all the means in its power, to confer upon their settlement the character of the commercial metropolis of New Zealand. This is the least that the Company, after all its promises and engagements, can do for the men to whose courage and patience and admirable discretion the British colonization of New Zealand is chiefly to be attributed. And surely the performance of this duty should lead the settlers at Nelson and New Plymouth rather to rely on the Company's fairness and attention to their interests, than to imagine that these will ever be unjustly set aside or in any way neglected.

23. These are not merely speculative promises. The approaching increase of the Company's capital will, as I have said before, supply ample means for general emigration, until large funds shall accrue from the sale of land. But the Court reckons on possessing besides the means of serving the colonists in other ways. The position in which the Company is placed by the success of its first enterprise, by the arrangement with Her Majesty's Government, by the nature of the charter, and by the regulations of the Government with respect to the general colonization of New Zealand, is so very favourable, and the prospect of gain from the future operations of the Company is so good, on the lowest calculation of probable results, that the Court feels justified in assuming that it will be in the power of the Company to promote the prosperity of the settlers by the outlay of funds for other purposes than surveying and emigration. The charter of incorporation empowers the Com-

pany to establish and maintain, solely or conjointly with others, public institutions for the improvement of the colony. This important provision was inserted at the request of the Directors, who had long had in contemplation the use of the Company's funds in affording general assistance to the colonists. The two objects to which their attention will be first directed are as follows :

24. First, It is proposed to contribute, probably by way of bounty, to the establishment of regular packet communication between Port Nicholson and the western coast of America. Considering that in the ensuing autumn there will be a line of steam-packets between England and the Pacific by way of Panama, the proposed line across the Pacific would have the effect of making New Zealand the nearest instead of the most distant of the Australasian colonies. In these days we are not to be startled at any proposal for saving space and time by means of steam navigation. It is owing to steam that the Court has received its latest intelligence from Port Nicholson, by way of India. With regular steam-packets to the Isthmus of Panama, and a line of sailing packets from New Zealand either to Panama or to Callao in Peru, whence there is now a line of steam-packets to Panama, the term of a voyage between England and New Zealand would be reduced to about 70 days; and the voyage would be more easy than merely in proportion to the saving of time, in consequence of the absence of gales throughout nearly the whole of the passage. The advantages which New Zealand as a colony would derive from such a change are too obvious to require particular mention. It may be properly observed, however, that if the money which should give occasion to such a measure were even to be deducted from the dividend fund of the Company, it would soon be repaid with increase, through the more rapid colonization, and greater prosperity of the islands in which the property of the Company is situated.

25. Secondly, It has been for some time in the contemplation of the Directors to promote an object which they believe would singularly tend towards the rapid colonization of New Zealand. Scarcely a week passes in which they do not receive applications for advice from gentlemen of property, desirous of providing for younger sons in the career of colonization. The difficulty of giving useful practical counsel in such cases consists in this; that the person intending to emigrate is too young to be entrusted with the management of property in the colony, and is usually very deficient in the kinds of knowledge which qualify for success as a colonist. In the other liberal pursuits, such as the army and navy, the church, the law, or medicine, when once the choice is determined, the youth receives a suitable education, and pursues a course which leads him by steps familiar to everybody, to the point at which he no longer requires control or assistance, but may be left to himself. In colonizing, although the fashion of thus providing for younger sons has revived of late years, there is as yet nothing regular or fixed in the preparatory steps. As a desire for the means of regular education in the art of civil engineering has led to the formation of a college for civil engineers, so are we in want of a college for colonial cadets. The expense of providing for a son in the army, or the church, or at the bar, amounts to a sum amply sufficient for the capital of a leading colonist; and the more because, in the colonial career, as soon as the decision was made, a portion of the destined funds might be invested in lands, which would continually grow in value while the future proprietor was learning how to manage them profitably. In connexion with the proposed college in this country, arrangements might be made, by which the Company should take charge during his minority of the landed property intended for a cadet, and should afterwards extend to him, in case he still required it, such aid as would amount to a friendly guardianship, in his first proceedings as a settler. This is a mere outline of the plan. It has been submitted to very competent judges of such a question, and has met with the warm approval of so many eminent persons, that the Directors have reason to hope that it may be carried into effect without much difficulty. The only real difficulty, indeed, is the first outlay for a suitable establishment; since the periodical payments to the college on account of cadets during residence might with propriety be made high enough to cover ordinary expenses.

26. In contributing the first outlay for such purposes the Company would confer an inestimable advantage on the colony, and fulfil in a most important particular the end with which the Crown has invested them with unusual powers. You are at liberty to assure the settlers that these subjects will obtain the early attention of the Court, with a view to practical results,

I have, &c.

Colonel William Wakefield,
Principal Agent.

(signed) *F. Dillon Bell*,
Secretary pro tem,

No. 21.

R. Vernon Smith,
Esq. to J. Somes,
Esq. 1 Sept. 1841.

— No. 21. —

COPY of a LETTER from *R. Vernon Smith, Esq.* to *J. Somes, Esq.*

Sir,

Downing-street, 1 September 1841.

I AM directed by Lord John Russell to acknowledge the receipt of your letter to his Lordship of the 20th ultimo.

On a full consideration of all the circumstances of the case, Lord John Russell directs me to state that he adheres to the decision already communicated to you.

Lord John Russell directs me to remind you, that by the terms of their contract with Her Majesty's Government the New Zealand Company will already have had the double advantage, first of purchasing lands at the rate of 5 s. an acre instead of 20 s.; and, secondly, of having the whole of that purchase-money applied for emigration purposes. His Lordship would further observe, that according to the award of Mr. Pennington, the lands thus acquired by the Company will probably much exceed 1,000,000 acres, a result unforeseen by Lord John Russell, and, as he believes, by the Company themselves, when the original agreement was made.

I am further instructed to remind you, that at the request of the Company, Lord John Russell has already permitted the Governor of New Zealand, should he see fit, to relieve them from one condition which they regarded as disadvantageous, that, namely, of taking all their lands within the district, purchased, or said to be purchased by themselves.

Adverting to these facts, Lord John Russell considers that the words "for the present," which were expressly designed to leave Government at liberty to vary and modify their regulations, have not been construed in a manner of which the company can fairly complain. Had the company suffered disadvantages in other respects, it might have afforded a ground for not altering the first regulations for a period of two or three years.

(signed) *R. Vernon Smith.*

— No. 22. —

No. 22.
J. Somes, Esq. to
Lord Stanley.
7 Sept. 1841.COPY of a LETTER from *J. Somes, Esq.* to Lord *Stanley*.

My Lord,

New Zealand House, 7 September 1841.

THE Directors of the New Zealand Company extremely regret that the first occasion of official communication with your Lordship should be to submit a complaint against the proceedings of his Excellency the Governor of the colony with which they are immediately connected. They trust that your Lordship will believe that nothing but a sense of duty, arising from a just appreciation of the importance of the interests of which they feel themselves to be the guardians, has induced them to undertake so ungrateful a task.

2. The grounds of the Company's dissatisfaction with Captain Hobson's conduct will be explained to your Lordship by the annexed copies of an advertisement issued, under his Excellency's direction, in the *New Zealand Gazette**, published at Wellington, and of part of a despatch from the principal agent of the Company in New Zealand, dated 26th February last. The public journal published at Wellington shows that the proceedings of the local government in this matter have very much discontented the settlers at Port Nicholson, and caused them to petition Her Majesty for Captain Hobson's recall.

3. The

* The Company's principal agent states, that the master of the vessel sent or employed to take from Wellington to Auckland the men especially advertised for, was also "instructed by Captain Hobson to give free passages to any mechanics or labourers desirous to go to that settlement."

No. 1.

No. 2.

3. The Directors of the New Zealand Company regret exceedingly that the Governor should have thought himself justified in inflicting so serious an injury upon the whole class of employers of labour at Wellington, at a time when the capital which they had expended, and were expending in clearing and cultivating the land, did not, as yet, yield them any return; and the very high rate of wages which the circumstances of their situation enabled all labourers, but especially skilled labourers, to command, pressed with great severity upon those who were, nevertheless, compelled to make use of their services, or to forfeit altogether the objects for which they had left their homes to settle at the antipodes. The wages and other advantages which the Governor was obliged to offer to the carpenters, sawyers, bricklayers, and stonemasons, whom he succeeded, by such means, in persuading to leave Wellington for Auckland, prove how great the demand for their labour at the former place must have been; whilst by their departure the colonists not only lost the services of the individuals, but suffered from the enhanced price of labour which the diminution of the supply is known to have occasioned. And when it is remembered that the capitalists at Wellington had already and irrecoverably paid a part of the price of their labour in advance, by defraying, through a subscription (in the shape of a willingly enhanced general price of land), the cost of their passage from England, and that those who were competing with them for the services of their workmen, having borne no share of the expense of immigration, were on that account the better able to outbid them, it cannot, the Directors think, be wondered that men so treated by the very authorities from whom they expected protection, encouragement, and support, should have felt themselves to be grievously wronged, and have been proportionably irritated.

4. The Directors of the New Zealand Company have a double object in laying this case before your Lordship. They think, in the first place, that the settlers at Port Nicholson are justly entitled to compensation for the particular wrong which has been inflicted upon them; and they also consider it due to themselves and to the colony, to take this opportunity of demonstrating to your Lordship, by a striking example, the mischiefs that must be expected to result from the factitious support of a seat of Government, not recommended by any great natural advantages, and situated almost at one extremity of the long narrow islands subjected to its authority, and not at present, or likely to be, the residence of the principal, or of any considerable population, nor the emporium of the trade of the colony.

5. On the first point but few words are necessary, since it is manifestly equitable that the colonists at Wellington should be repaid the cost of the emigration of the workmen whom the Governor has carried away to Auckland. That it would be impossible to enforce such a demand, in a court of law, against individuals whom cupidity might induce to behave in a similar manner, is no argument, the Directors respectfully submit, to impugn the present claim; since there cannot be two opinions of the injustice of the act in either case, though it would not be practicable in the one to obtain redress. The directors trust, therefore, that your Lordship will be pleased to direct the Commissioners of Colonial Lands and Emigration to send out to Wellington, at the public expense, a number of workmen corresponding in calling and number with those who have been abducted by Captain Hobson.

6. The general subject is far more important to the well-being of New Zealand; and it is one to which the minds of the Directors have long been turned with no small anxiety, as the following extract from a letter which they addressed to Lord John Russell on the 3d of April last will evince:—

“It appears but too probable that, before the attraction of the seat of Government should have drawn off a considerable population from the Company's settlements, and while that operation was in progress, there would grow up a feeling of bitter rivalry and hostility between the owners of land at the seat of Government and the owners of land in the Company's settlements; the former making every effort to obtain labour which had been conveyed to New Zealand at the expense of the latter, and the latter justly complaining of the hardship of seeing their land denuded of population for whose emigration they had paid, in order to furnish population for a spot in respect to which no emigration had taken place, and which was rendered attractive by the mere proclamation of the Governor declaring it to be the seat of Government.”

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7. These anticipations have been realized in every respect. As regards bitterness of feeling and animosity, the tone of the public journal already adverted to, and the spirit manifested at a public meeting of the inhabitants of Wellington, called to protest against Captain Hobson's proceedings, and to petition Her Majesty for his recall, together with all the accounts received by the Company, prove that their probable intensity was by no means over estimated by the Directors in the passage above quoted.

8. Such being the state of things, it is for your Lordship to determine whether there be advantages in the maintenance of the seat of Government at a spot where there are, at present, scarcely any people to govern, and which is condemned by nature to be always most inconveniently distant from the great body of the people who will certainly be thickly settled at no distant day over the whole surface of the beautiful islands of which it is now the nominal metropolis, sufficient to counterbalance the palpable and serious evils inseparable, as the Directors fear, from such a course of policy, and which must be expected to increase as other flourishing settlements are founded, on spots probably still more remote than Wellington, by colonists in connexion with the New Zealand Company.

No. 3.

I have the honour to enclose for your Lordship's information a copy of the petition to Her Majesty, to which I have referred; but the Directors, in the hope that the paramount authority of the Secretary of State will be interposed to put an end to these unhappy disputes, purposely abstain from transmitting the original to your Lordship.

I have, &c.

(signed) *Joseph Somes*, Governor.

Encl. in No. 22.

Enclosures in No. 22.

(No. 1.)

GOVERNMENT NOTICE.

Police Office, Port Nicholson, 5 November 1840.

THE under-mentioned mechanics will be engaged for the service of the Government at Auckland, at the terms stated; viz.

Four carpenters, first rate	-	-	-	-	9s. 0d. per diem.
Six - ditto second rate	-	-	-	-	8s. 0d. ditto.
Six pair of sawyers	-	-	-	-	8s. 6d. ditto.
Three bricklayers	-	-	-	-	7s. 6d. ditto.
Two stonemasons	-	-	-	-	7s. 6d. ditto.

Sixpence per day extra, if they find themselves with provisions.

The mechanics will be allowed one quarter of an acre of land to reside on whilst in the service of Government, at a pepper-corn rent Provisions will be supplied at cost prices.

The wages to commence on arrival at Auckland.

The engagement to be for six or twelve months, at the option of the Lieutenant-governor.

(signed) *Michael Murphey*,
Chief Police Magistrate.

(True copy.)

F. Dillon Bell,

Sec. pro tem. New Zealand Company.

(No. 2.)

THE number of settlers sent from England at the expense of the Company, together with those arrived from Australia, at this time exceeded 2,000 souls. An impetus to enterprise had been given by Sir George Gipps's decision, and an union of purpose amongst the colonists bade fair to push forward the settlement at a rate unanticipated by the most sanguine. Commerce, founded on the capital introduced from home and the other colonies of this hemisphere, gave a life to the place similar to that of old countries. Mechanics and the labouring class obtained full employment at ample wages in the erection of buildings and cultivation of the fruitful land in the neighbourhood of the harbour; whilst native labour and native produce realised, to the fullest extent, the value set upon them by the proposers

proposers and advocates of New Zealand colonization. At this period of our history, when the fostering care of the Lieutenant-governor might have been reasonably expected by the infant colony, now placed under his dominion and become a recognised portion of the British Empire (although until that recognition occurred we had no right, perhaps, to expect protection from Government), Captain Hobson struck a blow at the prosperity and even existence of the settlement, which was as little sanctioned by the governors of neighbouring colonies as it was consistent with justice and fair dealing. Although Sir John Franklin, the Governor of Van Diemen's Land, and the authorities of other adjacent colonies, had expressly and pointedly disapproved of, and taken measures to prevent the abstraction of workmen from one settlement for the benefit of another, Captain Hobson sent a vessel hither, with offers of free passage, of temporary locations without rent, and of other inducements to the working classes to migrate to the settlement now in progress in the Gulf of Shouraka, whither a difficult navigation, a doubtful harbour, and a barren district have deterred any but some hungry officials and Bay-of-Islands land expectants from bending their steps. The only apologies that can be offered for this proceeding are, that the recognition of the Company's title to the land acquired from the natives (who at the time of such acquisition were expressly acknowledged to have the full power of selling their territory), gives the Government a right to dispose of the labour sent out by the Company (by means of the 75 per cent. put apart for an emigration fund out of the proceeds of their sales), in the same manner as if the importation of that labour into these islands had been defrayed out of the national emigration fund; and that the settlement at Auckland, being in New Zealand, a seduction of labourers from Port Nicholson is not a fraudulent abstraction from one colony to benefit another, such as is denounced by Sir John Franklin, Colonel Gawler, and the settlers of every colony which may be liable to injury from the same cause.

The first plea is answered by the fact of the Company having voluntarily expended on emigration 75 per cent. of its profits on the sales of land purchased before the Government claimed a right to sell land in this country; and the second may be as easily disposed of, by asking whether Port Nicholson and Auckland, 400 miles apart, and separated by the East Cape, are not as much distinct and separate settlements as Port Jackson and Launceston, or, to give more striking examples, as Launceston and Port Phillip, before the latter was made a separate colony.

The conduct of Captain Hobson has naturally given much uneasiness to those who, having expended capital here, fear a deficiency of labour, and universal disapprobation of it has consequently been strongly expressed; but the reliance upon the continuance of a supply of labour by the Company, and the fortunate plantation of the settlement a year in advance of that at Auckland, reassure all reasonable people as to the stability and bright prospects of this place.

(True copy.)

(signed) *F. Dillon Bell,*

Secretary pro tem. to the New Zealand Company.

(No. 3.)

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

May it please Your Majesty,

WE your Majesty's loyal subjects, resident at Port Nicholson, in New Zealand, beg to approach your Majesty with assurances of our most respectful and devoted attachment to your Royal person and Government.

We humbly thank your Majesty for the gracious consideration of our necessities as a new and rising community, as manifested by your Majesty's directions to your ministers to establish British law and authority in this part of your Majesty's dominions, and in the appointment of a Lieutenant-governor to carry your Royal intentions into effect. But duty to our Sovereign, as well as justice to ourselves, compels us to state that the wise and gracious designs of your Majesty have been in a great measure frustrated by the neglect and misconduct of Lieutenant-governor Hobson.

We desire to represent to your Majesty, that the settlement of Port Nicholson comprises the large majority of your Majesty's subjects resident in the islands of New Zealand; that the population is rapidly increasing; that the natural productions of the country ensure the rapid development of its extensive agricultural, commercial, and manufacturing resources; that already the commerce of Port Nicholson is much more considerable than that of any other port in the islands; that its geographical position must give it great political importance; and that in no part of the British empire are your Majesty's subjects more distinguished by ready obedience to lawful authority, or by a more earnest determination to maintain the honour and dignity of the British Crown.

Notwithstanding these claims on his attention, claims which we humbly submit ought to have decided Lieutenant-governor Hobson to fix the seat of Government at Port Nicholson,

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his Excellency has never even visited this important and flourishing settlement, but has selected for his capital a portion of the northern island, 300 miles distant from us, where there are no British residents except those immediately connected with Government. Communication with the Government is thus rendered uncertain, unfrequent, difficult, and expensive; in short, nearly all those over whose welfare Lieutenant-governor Hobson was instructed to watch, and from whose contributions the cost of establishing this rival settlement must be chiefly defrayed, and the revenue of the colony mainly derived, are almost entirely excluded from the benefit of any Government at all, with the single exception of a police magistrate, with undefined criminal jurisdiction.

But in addition to this systematic neglect of our welfare, we have to charge Lieutenant-governor Hobson with an attempt to inflict upon us a serious positive injury.

Your Majesty's attention is called to the facts, that a great scarcity of skilled labour exists in this settlement; that the artificers and labourers resident here have been brought from England at the expense of the landholders and capitalists of Port Nicholson, with the understanding, and in the full belief that they were to remain here for an indefinite period; that employment of this valuable and most respectable portion of our community at high wages is constant, and the demand for their services increasing, and that the prosperity of the settlement mainly depends upon a sufficient supply of this description of labour.

Nevertheless, and with a perfect knowledge of diminishing the supply, Lieutenant-governor Hobson has sent a vessel from Auckland, his seat of Government, with offers of a free passage and other advantages to such artificers and labourers as may be induced to leave the service of your petitioners, and enter into his employment. The cost of sending down this ship for the above purpose, will be defrayed from the public revenue, and thus the settlers of Port Nicholson will have not only paid for the passage of their workmen from England, but will also be taxed to pay the cost of seducing them to Auckland.

We would humbly represent to your Majesty, that the attempt to promote the prosperity of one part of your Majesty's dominions in New Zealand, by inflicting a grievous and lasting injury on another and far more important portion, is in principle unjustifiable, and that this species of competition of a Government with its subjects is opposed to the principles of the British constitution, and is moreover decidedly repugnant to the instructions which Lieutenant-governor Hobson was commanded by your Majesty's Government to obey.

Prayer.—Hopeless of redress from his Excellency the Lieutenant-governor, of whose unhappy and ill-judged hostility to this settlement we have received but too many proofs, and relying upon your Majesty's maternal care for the welfare of your subjects, whether at home or abroad, we humbly solicit your Majesty's most gracious interference on our behalf by recalling Lieutenant-governor Hobson, and affording us such other relief as to your Majesty shall seem fit.

And your Petitioners, as in duty bound, will ever pray.

No. 23.
G. W. Hope, Esq.
to J. Somes, Esq.
28 Sept. 1841.

— No. 23. —

COPY of a LETTER from G. W. Hope, Esq. to J. Somes, Esq.

Sir,

Downing-street, 28 September 1841.

I AM directed by Lord Stanley to acknowledge the receipt of your letter of the 7th instant, in which, on behalf of the New Zealand Company, you submit a complaint against Captain Hobson, Governor of New Zealand, in consequence of his having induced some mechanics and labourers to proceed from Port Nicholson to the seat of Government, and enclose a copy of a petition to the Queen, purporting to proceed from the inhabitants of Port Nicholson, praying for Captain Hobson's recal.

In reply, I am directed to acquaint you, that Lord Stanley postpones any observations until he shall have received the petition through Captain Hobson, (through whom it has of course been transmitted according to invariable rule,) and the explanations with which he will probably accompany it.

I am, &c.

(signed) G. W. Hope,

— No. 24. —

NEW
ZEALAND.COPY of a LETTER from *J. Somes*, Esq. to Lord *Stanley*.New Zealand House, London,
5 November 1841.No. 24.
J. Somes, Esq. to
Lord *Stanley*,
5 November 1841.

My Lord,

THE accounts which the Directors of the New Zealand Company have received of the increasing resort of shipping to Port Nicholson, have convinced them that the value of that harbour to the colonists at Wellington, and to the mercantile community in general, would be greatly increased by the erection of a lighthouse at its entrance, probably on the point called Pencarrow Head.

It is so obviously desirable that mariners unacquainted with the coast, or even vessels using the harbour, making the Heads in the night, should have the facilities and security afforded by a lighthouse erected on a suitable spot, that the Directors feel that they need not urge such considerations upon your Lordship. In order to confer these benefits upon the settlement, I have the honour to state that the New Zealand Company are willing to send out the requisite lights for a lighthouse, to be placed at the disposal of the colonial authorities at Wellington, at a cost of about 1,500*l.*, which they understand will be sufficient for the purpose; respectfully trusting that your Lordship will be pleased to direct that the amount of this outlay shall be deemed a charge on the harbour dues hereafter to be levied on vessels entering Port Nicholson.

I have, &c.

(signed) *Joseph Somes*, Governor.

— No. 25. —

COPY of a LETTER from *G. W. Hope*, Esq. to *J. Somes*, Esq.No. 25.
G. W. Hope, Esq.
to *J. Somes*, Esq.
17 Nov. 1841.

Sir,

Downing-street, 17 November 1841.

I AM directed by Lord Stanley to acknowledge the receipt of your letter of the 5th instant, in which you state that the value of the harbour of Port Nicholson to the colonists at Wellington, New Zealand, would be much increased by the erection of a lighthouse at its entrance; and you submit the offer of the New Zealand Company to send out the requisite lights, &c. at a cost of 1,500*l.*, on the understanding that such outlay shall be deemed a charge on the harbour dues hereafter to be levied on vessels entering Port Nicholson.

Lord Stanley desires me to acquaint you, in reply, that he can form no opinion on the subject in the absence of any Report upon it from the Governor of New Zealand, for which his Lordship will immediately apply.

Lord Stanley would suggest to the Company the propriety of submitting to their agents in the colony, that as often as questions may arise there on which it may be necessary for Her Majesty's Government to decide, such questions should be brought to the notice of the Secretary of State through the intervention of the Governor; since by adopting any other course a very serious delay must intervene, which may often be attended with extreme inconvenience to the public service.

I am, &c.

(signed) *G. W. Hope*.

— No. 26. —

COPY of a LETTER from *J. Somes*, Esq. to Lord *Stanley*.No. 26.
J. Somes, Esq. to
Lord *Stanley*,
15 October 1841.New Zealand House, Broad-street Buildings,
15 October 1841.

My Lord,

THE Directors of the New Zealand Company, being in treaty with certain parties officially connected with Hamburg, and the other free cities of Germany, acting on behalf of a colonization company now forming in that country, for the sale of the group of islands in the South Seas known by the

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name of the Chatham Islands, their property in which was acquired by *bond fide* purchase from the natives, they consider it to be right to inform your Lordship of the circumstance, although they believe that no claim to the sovereignty of the islands in question has ever been advanced on the part of the British Crown, and that the islands are to all intents and purposes a foreign state, ruled by native chiefs, who have the undoubted right to cede their sovereignty to any foreign power they may think proper. I do not trouble your Lordship with any arguments upon this point, further than to observe, that the Chatham Islands were not included within the limits of Governor Philip's commission for New South Wales and its dependencies in 1787; and that, like New Zealand, before the late cession of that country to Her Majesty, the Chathams are a foreign country within the meaning of the Act 9 Geo. 4, c. 83, and previous Acts, which provide for the punishment of offenders in the various islands of the Pacific not subject to Her Majesty or any other European state.

2. In submitting to the Government this respectful intimation of their intentions, the directors avail themselves of the opportunity to state to your Lordship, that their desire to give useful neighbours to the settlements which they have founded in New Zealand, is the motive which has principally induced them to dispose of their property in the Chatham Islands to the representatives of communities so little likely to be animated, at any time, by political hostility to Great Britain, and who promise to conduct with vigour, and in an enlightened spirit, the enterprise which they contemplate, as the free cities of Germany. They feel assured that the arrangement upon which they are entering must be productive of material benefits, direct and indirect, to the colonists of New Zealand; and that not the least satisfactory result will be, to render Port Nicholson the centre of a wider circle of commerce than could have been established, if the Chatham Islands had remained in the exclusive possession of their present barbarous inhabitants,

3. Having this national object prominently in view, it is the intention of the Directors to make it a condition of the transfer, that British subjects, with their ships and goods, shall at all times be placed, in the ports of the Chatham Islands, on the same footing as the national flag of the Hanse Towns, or the subjects of the sovereign power for the time being. By this stipulation, a new and important market may be opened for British produce and manufactures in the Southern Pacific.

4. The Directors propose to restrict the purchasers from making any part of the Chatham Islands a penal settlement for the reception of malefactors transported thither from any other country,

I have, &c.

(signed) *Joseph Somes,*
Governor.

No. 27.
G. W. Hope, Esq.
to J. Somes, Esq.
28 Oct. 1841.

— No. 27. —

COPY of a LETTER from *G. W. Hope, Esq.* to *J. Somes, Esq.*

Sir,

Downing-street, 28 October 1841.

I AM directed by Lord Stanley to acknowledge the receipt of your letter of the 15th instant, in which you announce to his Lordship that the Directors of the New Zealand Company, being in treaty with certain parties officially connected with Hamburgh, and the other free cities of Germany, for the sale of the group of islands in the South Seas known by the name of the Chatham Islands, the Company consider it right to inform Lord Stanley of the circumstance. You add, that the property of the Company in these islands has been acquired by purchase from the natives, and you proceed to show that they are not within Her Majesty's dominions; you further state, that it is the intention of the Directors to make certain stipulations with the Hanse Towns for the benefit of the trade and navigation of British ships and subjects at the Chatham Islands.

As

As these proceedings are thus formally brought under Lord Stanley's notice, his Lordship directs me to state, that on referring to the charter of the New Zealand Company he finds a specific enumeration of the objects with a view to which they have been incorporated, and of the purposes to which their capital is to be applied; but Lord Stanley does not find in that charter anything which appears to him to justify the supposition that the Company could lawfully apply any part of that capital towards the purchase of lands in a country which they themselves describe as foreign, still less can his Lordship discover on what ground the Company can claim a right to enter into negotiations with the diplomatic agents of a foreign state, having for their object the creation of a foreign colony in the neighbourhood of the British settlements, and the protection of the commerce and navigation of Great Britain with the proposed colony. Lord Stanley proposes to refer to the Attorney and Solicitor-general the question, whether such powers are really vested in the New Zealand Company; and if they should be of opinion that the proceedings of the Company have not been lawful, his Lordship proposes to desire the law officers of the Crown to state what are the consequences, in point of law, of the assumption and exercise by the Company of those powers.

Lord Stanley thinks it right to apprise you that he is about to make these inquiries, in order that the New Zealand Company may not be unaware of the necessity for the exercise of caution and circumspection in advancing any further in the proceedings in which they report themselves to be engaged.

I have, &c.
(signed) *G. W. Hope.*

— No. 28. —

COPY of a LETTER from *J. Somes, Esq.* to Lord Stanley.

No. 28.
J. Somes, Esq. to
Lord Stanley.
5 Nov. 1841.

My Lord,

New Zealand House, London.
5 November 1841.

I HAVE the honour, on behalf of the Directors of the New Zealand Company, to acknowledge the receipt of Mr. G. W. Hope's letter of the 28th ultimo, relative to the Chatham Islands, and respectfully to submit the following explanation of the matter for your Lordship's consideration.

It appears from the tenor of Mr. Hope's letter that your Lordship assumes that the New Zealand Company, since its incorporation by royal charter, has applied a part of its capital to the acquisition of land in the Chatham Islands; but this I beg to state to your Lordship is a misapprehension. The fact is, that the soil of those islands was purchased a considerable time previous to the date of the charter, by an agent acting on behalf of the persons associated together in the copartnership called the "New Zealand Company," which copartnership was formed, as declared by its deed of settlement, for the purchase and sale of lands, not only in New Zealand, but in the islands adjacent thereto in the South Pacific Ocean; consequently, as your Lordship will perceive, the acquisition of the Chatham Islands was a legitimate transaction on the part of that copartnership.

The Directors of the New Zealand Company admit that the Company, as constituted by its recent charter, is precluded by that settlement from acquiring or dealing with lands in a foreign country; but they entreat your Lordship's attention to the circumstance that the incorporation of the Company in February last did not deprive the persons so incorporated of property which they lawfully held as individuals by a title different from that on which their corporate rights depend; and that, consequently, the property of the soil in the Chatham Islands is now vested in the individuals on whose account the same was purchased, or their representatives. Those individuals are not identical with the present shareholders in the New Zealand Company, because, since the grant of the charter, a new body of shareholders has been admitted, who are entitled to participate only in the corporate property of the chartered company, and not in property which that company has never held, and could not lawfully hold under its charter.

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Further, I respectfully submit to your Lordship, that the Directors have neither entered into any contract in their capacity of Directors, nor done any corporate act whatever, with reference to the disposal of the Chatham Islands; they therefore feel assured that the circumstance of their having, perhaps rather unguardedly, stated that they, "the Directors," were in treaty with parties connected with the free towns of Germany for the sale of the Chatham Islands, will not prejudice them in your Lordship's judgment, after this explanation of the real state of the case.

The Directors trust that it is scarcely necessary for them to disclaim having at any time, either as the administrators of the New Zealand Company or as individuals, entertained the slightest intention of dealing with the sovereignty of the Chatham Islands, or pretending to transfer it to a foreign power.

I have, &c.

(signed) *Joseph Somes,*
Governor.

— No. 29. —

No. 29.
G. W. Hope, Esq.
to J. Somes, Esq.
11 Nov. 1841.

COPY of a LETTER from *G. W. Hope, Esq.* to *J. Somes, Esq.*

Sir,

Downing-street, 11 November 1841.

I AM directed by Lord Stanley to acknowledge the receipt of your letter of the 5th instant, on the subject of the Chatham Islands. His Lordship desires me to acquaint you in reply, that as it appears from your statement that the New Zealand Company, as incorporated by Royal charter, have no property in those islands, but that such property is claimed by another body of persons, he does not think it necessary to pursue the correspondence with the Company on the subject. His Lordship must, however, be understood as not acknowledging the right of any persons to any land in the Chatham Islands, acquired by purchase from the natives.

I am, &c.

(signed) *G. W. Hope.*

— No. 30. —

No. 30.
G. W. Hope, Esq.
to J. Somes, Esq.
1 December 1841.

COPY of a LETTER from *G. W. Hope, Esq.* to *J. Somes, Esq.*

Sir,

Downing-street, 1 December 1841.

I AM directed by Lord Stanley to acquaint you, that in conformity with the intention announced to you in my letter of the 28th October, he caused the statements contained in your letter of the 15th of that month, respecting certain proceedings of the Directors of the New Zealand Company, with reference to the Chatham Islands, to be laid before the Attorney and Solicitor-general, and that he has now received from them a report on the lawfulness of such proceedings.

Lord Stanley is aware that in your letter of the 5th instant you have further stated by way of explanation, "that the soil of those islands was purchased a considerable time previous to the date of the charters, by an agent acting on behalf of the persons associated together in the copartnership called The New Zealand Company;" that "those individuals are not identical with the present shareholders in the New Zealand Company;" that the Directors have "neither entered into any contract in their capacity of Directors, nor done any corporate act whatever with reference to the disposal of the Chatham Islands;" and that at no time have the Directors, "either as the administrators of the New Zealand Company or as individuals, entertained the slightest intention of dealing with the sovereignty of the Chatham Islands, or pretending to transfer it to a foreign power." His Lordship, however, considers it advisable, notwithstanding this explanatory statement, to inform you that on the facts as appearing from your letter of the 15th October, the law officers have reported their opinion that the purchase of the Chatham Islands, and the proposed sale of them by the Directors of the New Zealand Company, were wholly unauthorised by the charter, and were in their opinion illegal; and that the proceedings of the

Directors,

Directors in entering into any agreement, or treaty, or stipulation, for securing to "British subjects the same footing as the national flag of the Hanse Towns, or subjects of the sovereign power for the time being," and "restricting the purchasers from making any part of the Chatham Islands a penal settlement for the reception of malefactors transported thither from any other country," are in their opinion an interference with the Royal Prerogative, and therefore unlawful; the possible inconvenience and danger of such an interference being quite obvious.

Lord Stanley desires me to add, that the Crown lawyers have further reported their opinion, that the consequence of an abuse of the trust created by a charter, or of the powers thereby granted, may be the forfeiture of the charter altogether, although they doubted whether what was stated by you to have occurred in this case as before them, if the intention were abandoned, would be deemed to amount to such forfeiture.

I am, &c.
(signed) *G. W. Hope.*

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— No. 31. —

COPY of a LETTER from *J. Ward, Esq.* to *G. W. Hope, Esq.*

No. 31.
J. Ward, Esq. to
G. W. Hope, Esq.
7 December 1841.

New Zealand House, Broad-street-buildings,
7 December 1841.

Sir,

I AM directed by the Court of Directors of the New Zealand Company to acknowledge the receipt of your letter of the 1st instant, and to express its deep sense of the kindness with which Lord Stanley communicates the result of the reference made by his Lordship's direction to the law officers of the Crown, respecting the proposed transfer of property in the Chatham Islands. The Court is happy to find that the Attorney and Solicitor-general express no opinion that any bad consequences have been incurred by acts already done, if the intention of completing the proposed arrangement be abandoned. I am instructed again to state, that no act whatever has been done between the Company and the parties with reference to the projected arrangement, inasmuch as the Company has not, since its charter, purchased those lands which are held by the shareholders of the unincorporated Company which existed before the grant of the charter; and nothing has been done with respect to the resale, except laying before Lord Stanley the arrangements that had been proposed in relation to it. The Court will take the utmost care that, with regard to this matter, nothing shall be done which shall in any way involve the Company in any illegal or objectionable proceedings.

I have, &c.
(signed) *John Ward, Secretary.*

— No. 32. —

GERMAN COLONIZATION COMPANY.

(Received from the Office of the New Zealand Company.)

No. 32.
German Colo-
nization Company.

Sect. 1. The Company consists of the holders of shares of the amount of *£*1,000.

Sect. 2. Towards the colonization of Chatham Island 400 shares will be issued. Every further issue of shares for another colonizing enterprise of the Company forms a series apart from this one, in which, however, the first shareholders will have the right of participating in preference to other persons.

Sect. 3. The taking up of the share pledges only to the first instalment of *£*200, for which provisional certificates will be issued. This instalment is intended to secure the contracted deposit of *£*1,000, and the sending out of a commission (accompanied by the necessary surveyors, handicraftsmen and mechanics), which has to explore the islands, and in case of necessity, to take possession in the name of the Company.

Sect. 4. The Company, of which the locality is in Hamburg, will be represented by a Court of Directors, consisting of five members, to be chosen by the first general assembly, whose functions and powers are to be fixed by the provisional committee of the first general assembly, appointed for the approval of regulations to be laid before them.

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Sect. 5. In this general assembly a majority of votes is to decide ; and the holders of									
1-2 shares, will have	-	-	-	-	-	-	-	-	1 vote.
3-5 ditto	-	-	-	-	-	-	-	-	2 votes.
6-10 ditto	-	-	-	-	-	-	-	-	3 votes.
11-20 ditto	-	-	-	-	-	-	-	-	4 votes.
21 and upwards	-	-	-	-	-	-	-	-	5 votes.

Sect. 6. In the course of the month of February the Court of Directors, or if such Court should not yet have been constituted, the provisional committee, will decide upon the ratification (which has to take place before the 12th of March in this year) of the contract of purchase made in the name of the Company.

Sect. 7. The Court of Directors will, as soon as possession has been taken, cause the site of a port, of the suburb, and the more distant rural territory to be surveyed, and will alienate the same conditionally, even before sending in a report, at such price as may seem sufficient for the conveyance and location of German emigrants, for the first public expenditure of the colony, the return of the price paid for, and capital laid out upon, the land, as well as for apportionate dividend.

Sect. 8. The Directors will, in the proper form, open negotiations in reference to Article 3, for concurrence in the anomalous position of the group of islands, in respect of their political rights. Viewing, however, that the New Zealand Company has, by agreement, secured to the German Company a legal possession ; and, with reference to the enjoyment of national rights and religious liberty, has recognised as reasonable the wishes of the same, there does not appear to be any doubt respecting the unlimited freedom of trade of the future port, or the carrying on of its traffic under equal, though not exclusive rights, under the German, the Hanseatic, or the Hamburg flag.

Sect. 10. The whole of the proceeds derived from the alienation of the lands will be applied in the following manner :—

(a) One half to the conveyance and settlement of German emigrants, in regulated proportions of trades, ages, and sexes.

(b) One quarter in aid of the public expenditure of the colony ; in which are to be reckoned the surveys, as well as the building of the first roads, bridges, and other works.

(c) One quarter to defraying the expenses of the administration in Hamburg, to the payment of a dividend, and to the return of instalments paid in.

Sect. 11. Of the area of each of the three districts—the port, the suburb, and the rural territory ; and in addition to the reserve secured by the New Zealand Company to the Aborigines, one-tenth will be kept apart, to be applied to the exclusive endowment of higher objects, on the security of which the value of the new settlement, in the eyes of the better part of its population, must depend, namely, the church and the school.

The Provisional Committee,

Hamburg, }
15 February 1842. }

(signed) K. Sieveking, Syndic of Hamburg.

A. Abendroth, Dr.	Ross, Vidal & Co.
D. Chapeauronye & Co.	Shiller, Brothers & Co.
Joh. C. Godeffroy & Son.	A. Schramm.
E. Johns.	R. M. Sloman.

No. 33.

G. W. Hope, Esq.
to J. Somes, Esq.
29 March 1842.

— No. 33. —

COPY of a LETTER from G. W. Hope, Esq. to J. Somes, Esq.

Sir,

Downing-street, 29 March 1842.

I AM directed by Lord Stanley to acquaint you, for the information of the New Zealand Company, that his Lordship has received from the Earl of Aberdeen the copy of a despatch from Her Majesty's Chargé d'Affaires at Hamburg, enclosing the copy of an agreement entered into between the New Zealand Company and Mr. Syndicus Sieveking, for the sale of the Chatham Islands, with a memorandum on Mr. Sieveking's proposed colonization of those islands. The agreement purports to be made between Mr. Sieveking of the one part, and John Ward, esq. Commissioner of Her Britannic Majesty, acting on this occasion on behalf of the New Zealand Company of London, incorporated by royal charter, of the other part.

Lord Stanley directs me to recall your attention to the former correspondence between this department and the New Zealand Company on this subject, and to the opinion of the law officers of the Crown, which was communicated to the Company in the course of that correspondence.

What may be the legal consequences of this transaction, as it now appears, Lord Stanley does not think it necessary for the immediate purpose of this letter to inquire. But as the contract was made by a gentleman accredited to the city of Hamburg, as a Commissioner from the Crown of Great Britain for other

other purposes, and as this fact is expressly noticed in the introductory part of the agreement, it appears to Lord Stanley incumbent on Her Majesty's Government that a clear explanation should be given by them to the contracting parties at Hamburg of the real state of this case, and that Her Majesty's Government should disclaim all responsibility for the engagement into which Mr. Ward has entered. Lord Stanley has therefore requested Lord Aberdeen to cause such a communication to be made through Her Majesty's Chargé d'Affaires at Hamburg to Mr. Syndicus Sieveking. Lord Stanley has further requested Lord Aberdeen to cause Mr. Sieveking to be informed that the Chatham Islands will henceforth form part of the colony of New Zealand, and will be subject to all the laws in force there regarding land purchased from the natives, by which laws, as you are aware, no former purchase can be recognized without the previous sanction of the local government, on the report of Commissioners appointed for that purpose, nor even then to a greater extent than 2,500 acres in the case of any one purchase.

I have, &c.
(signed) *G. W. Hope.*

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— No. 34. —

COPY of a LETTER from *J. Somes, Esq.* to Lord Stanley.

New Zealand House, Broad-street Buildings,

8 April 1842.

My Lord,

I HAVE the honour to acknowledge the receipt of Mr. Under-Secretary Hope's letter, dated 29th ultimo, on the subject of the Chatham Islands.

I beg again, in the most explicit manner, to assure your Lordship that no act with respect to the Chatham Islands has since our incorporation been done or sanctioned by the New Zealand Company; that the steps taken by Mr. Ward in his communication with Mr. Syndicus Sieveking were not taken in pursuance of instructions from the Company, and that the New Zealand Company, though constantly pressed to ratify Mr. Ward's agreement, has as constantly declined to do so, on the ground that the Company in its corporate capacity has nothing to do with the colonization of the Chatham Islands.

The relation in which the present Company stands towards these islands is very easily explained. The acquisition of land in these islands came within the scope of the deed of settlement under which the original Company acted before its incorporation. At the time of making the agreement with the Government, in which the charter originated, the purchase of the Chatham Islands from the natives by an officer of the Company was not known to the Directors, and consequently the Chatham Islands were not included in the charter. The result of this has been, that the members of the original unincorporated Company have found themselves in possession of these islands, or at least of the claim acquired in virtue of the purchase from the natives, (and which, I submit, that body was perfectly competent to maintain), without any power under the charter to include them within the colonizing operations of the incorporated Company. The Court of Directors of the New Zealand Company feels, therefore, that it is not within its province to urge upon your Lordship the claims of the Company which existed previous to the present charter.

I have, &c.
(signed) *Joseph Somes, Governor.*

No. 34.
J. Somes, Esq. to
Lord Stanley.
8 April 1842.

— No. 35. —

COPY of a LETTER from Monsieur *Durant St. André*, Consul-general of His Majesty the King of the French, to *J. Stephen, Esq.*

Consulat Général de France en Angleterre,

Londres, le 28 Janvier 1842.

Monsieur,

DES négociants Français qui cherchent à ouvrir des relations commerciales avec les nouveaux établissemens de Sa Majesté Britannique dans la Nouvelle Zélande, se sont adressés au Dépt. des Affaires Etrangères à Paris, pour avoir

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communication

No. 35.
M. Durant St. André to *J. Stephen, Esq.*
28 January 1842.

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communication des tarifs et réglémens de douane de la colonie, et je suis chargé par M. Guizot de lui procurer un exemplaire de ces divers documens.

Je ne les ai point encore vus publiés dans les feuilles publiques, et je crois pouvoir les réclamer de votre obligeance.

Il nous importerait surtout de savoir si les produits du sol et de l'industrie de la France, les vins, les eaux-de-vie, etc., peuvent être introduits dans la colonie, sur navires Français, et en pareil cas qu'elle serait la quotité des droits. Je suppose que les produits de la Nouvelle Zélande pourraient être exportés sur ces mêmes navires; mais s'il existait des droits de sortie sur quelques articles en particulier, je tiendrais à en être informé.

Les questions que j'ai l'honneur de vous adresser ayant pour objet de favoriser l'établissement de relations commerciales régulières et également utiles aux deux pays, je me flatte que vous ne les considérerez point comme indiscretes, et que vous voudrez bien me mettre en mesure de fournir à mon gouvernement les renseignemens qui me sont demandés.

J'ai l'honneur d'être, Monsieur,

Votre très obéissant serviteur,

(signé) *Durant de St. André.*

— No. 36. —

COPY of a LETTER from *J. Ward, Esq.* to Lord Stanley.

No. 36.
*J. Ward, Esq. to
Lord Stanley,
9 April 1842.*

New Zealand House, Broad-street Buildings,
9 April 1842.

My Lord,

THE Directors of the New Zealand Company having learned from a correspondence between Mr. Mangles and Mr. Under-Secretary Hope, that a letter which they addressed to your Lordship on the 18th of September last is, through some accident, not forthcoming in the Colonial Office, I am now directed to submit a duplicate of the same for your Lordship's favourable consideration.

I have, &c.

(signed) *John Ward, Secretary.*

No. 39.

— No. 37. —

COPY of a LETTER from *G. W. Hope, Esq.* to *J. Ward, Esq.*

No. 37.
*G. W. Hope, Esq.
to J. Ward, Esq.
14 April 1842.*

Sir,

Downing-street, 14 April 1842.*

I HAVE to acknowledge the receipt of your letter of the 9th instant, stating that the Directors of the New Zealand Company having learned from a correspondence between Mr. Mangles and myself, that a letter which they addressed to his Lordship on the 18th September last, is, through some accident, not forthcoming in the Colonial Office, have desired you to submit a duplicate of the same for his Lordship's consideration.

In reply, I have to observe that my communication to Mr. Mangles having been entirely of a private and unofficial kind, no copy has been kept of it; but that it was not my intention to state, and my impression is that I did not state, that the paper in question was "by some accident not forthcoming at this office." My intention having been to make Mr. Mangles aware of the result of inquiries undertaken at his request, viz. that there is no trace of any such document having been ever forwarded to this office, from which I infer that, as far as negative testimony goes, the reasonable conclusion would seem to be that by some accident at the office of the New Zealand Company, it was never officially communicated till now.

I am, &c.

(signed) *G. W. Hope.*

— No. 38. —

(Duplicate.)

COPY of a LETTER from *F. Dillon Bell, Esq.* to Lord Stanley.

No. 38.
F. Dillon Bell, Esq.
 to Lord Stanley,
 18 Sept. 1841.

New Zealand House, Broad-street Buildings,
 18 September 1841.

My Lord,

THE Court of Directors of the New Zealand Company having recently received a despatch from their principal agent in that colony, submitting his observations on the practical bearings of certain of the clauses of the terms of arrangement between Her Majesty's Government and the Company, which were forwarded to the Court under cover of Mr. Vernon Smith's letter of the 18th November last, I have the honour to solicit your Lordship's consideration of the following points, which are of great importance in relation to the extensive operations for the colonization of New Zealand in which the Company is engaged. By clause 5, head 1, of the Arrangement above referred to, the Company is required to select the lands granted to it on account of foregone expenditure, "within six months after the receipt by the Governor of a copy of this agreement." Upon this clause, the Company's agent in the colony observes, "The want of knowledge of the country, owing to our survey having hitherto opened so little of it, strongly calls for an extension of time, in the selection of the blocks of land, beyond the six months from the receipt of the agreement by the Governor." It appears from the correspondence relative to New Zealand which has been laid before Parliament, and printed, that a copy of the arrangement, the date of the receipt of which was to regulate the commencement of the term of six months allowed for the exercise of selection as above stated, was despatched to Governor Hobson, under date the 10th March 1841. It may therefore have reached the colony in the course of July. But independently of the reason for the extension of the term urged by the Company's agent in New Zealand, in the extract from his despatch above quoted (which appears to the Directors, with reference to fact, that little or nothing is known of the country in which the selection is to be made, except that it is extremely hilly, and densely wooded, and, therefore, very difficult of examination and survey, to be an undeniable plea for the grant of further time,) your Lordship is requested to observe that the earliest intimation of the quantity of land to which the Company was held, in the first instance, to be entitled, was given in Mr. Vernon Smith's letter of the 4th of June last, communicating Mr. Pennington's award. Till copies of that award reached the Governor from the Colonial Department, and the Company's agent from this house, it was impossible that either party should know how much land the one party was entitled to select, or the other authorised to grant. As respects the land to which Mr. Pennington's award declared the Company to be contingently entitled, nothing has yet been definitively settled: indeed that gentleman is at this moment examining (under orders from the Colonial Department) the accounts of the Company's expenditure on which their right to a further cession is founded. It would be manifestly impossible that this land, the quantity of which is not yet determined, should be selected within the stipulated term. Under these circumstances the Directors respectfully trust that your Lordship will think it equitable to put the matter on a more practicable footing, by authorizing the local Government to permit the Company's agent to exercise the right of selection on their behalf within such terms, in relation to the actual date of the acquisition of the right in such instance, as shall appear to that authority which alone can be properly cognizant of the means of selection and the practical difficulties opposing it, to be just and reasonable. The second point, of which the Directors respectfully solicit your Lordship's consideration, is the obligation imposed upon the Company by clause 6, head 1, of the Arrangement, to choose the land to which they are entitled in blocks, "each of which shall be as nearly as possible a parallelogram, of which no one side shall be more than twice the length of any other side." Upon this stipulation the Company's agent remarks, "The sale as to parallelograms to be extended, as a compliance with it in this mountainous district, or indeed in any part of New Zealand, would necessitate the occupation of much unavailable and bad land, which would be contrary to the intentions of Lord John Russell, as expressed in his instructions to the Land Commissioners." It is needless to amplify or to insist upon the force of the foregoing remarks, but one peculiar feature of New Zealand demands notice, as aggravating the

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embarrassment to which, as the Company's agent truly states, the rule as to parallelograms will subject the Company. It appears that, as far as the country is yet known, there are no good harbours in the immediate vicinity of any considerable extent of flat land, suitable for the sort of agriculture to which emigrants from Great Britain are habituated, and the country surrounding all the best harbours is remarkably mountainous and rugged. In such situations, generally speaking, detached and narrow valleys alone offer any sufficient present inducement to colonists to undertake the very expensive process (with reference to the high price of labour) of clearing heavily-timbered land. Some time must elapse before the intervening hills can be turned to any profitable use. To the settlement of Port Nicholson it is true the rule regarding parallelograms does not relate; but since, as regards the site, doubtless already selected (though no advice of the circumstance has yet been received), for the Company's second settlement, there seems to be no choice but that of flat land without a harbour, or of a harbour without flat land, it is of great practical importance that the rule in question should not be so enforced as to compel the Company, and consequently the colonists in connexion with them, to pay for the advantage of a good harbour (so essential to British settlers) the enormous price involved in the profitless sinking of their capital in the purchase of any large quantity of unavailable mountains and ravines.

I have, &c.
(signed) *F. Dillon Bell,*
Secretary *pro tem.*

No. 39.
G. W. Hope, Esq.
to J. Ward, Esq.
16 April 1842.

— No. 39. —

COPY of a LETTER from *G. W. Hope*, Esq. to *J. Ward*, Esq.

Sir,

Downing-street, 16 April 1842.

I AM directed by Lord Stanley to acknowledge the receipt of a letter addressed to his Lordship by desire of the Court of Directors of the New Zealand Company, dated the 18th of September last, but which was not received at this Office till the 11th instant.

The Directors request, in the first place, that the agent of the Company in the colony may be permitted to exercise the right of selection of land given to them by the 5th clause of the 1st head of the agreement between Her Majesty's Government and the Company, communicated in Mr. Vernon Smith's letter of the 18th November 1840, within such terms in relation to the actual date of the acquisition of the right in each instance as shall appear to the local Government to be just and reasonable.

In the second place, the Directors request that they may be relieved from the obligation imposed upon them by clause 6 of the same head of that agreement, of choosing the land to which they are entitled in blocks which shall be as nearly as possible a solid parallelogram, of which no one side shall be more than twice the length of the other side.

In reply, I am to acquaint you that, with regard to the first request, Lord Stanley does not consider it expedient to refer this matter to the determination of the local Government, but in accordance with what is obviously the spirit of the clause of the agreement in question, will at once consent to allow the period for selection of land to count from the date of the receipt by the Governor of New Zealand of the copies of the awards to be from time to time made by Mr. Pennington under the previous clauses of the same head of the agreement, instead of from that of the receipt of the copy of the original agreement; and further, that in case no indulgence in this respect shall have been granted by the Governor as regards awards already notified to him, a period of six months from the receipt of the instructions which will now be addressed to him will be allowed for selection under such awards.

With regard to the second request of the Directors, Lord Stanley directs me to state that he regrets he cannot meet their wishes by making any such relaxation of the 6th clause of the 1st head of the agreement as that proposed.

I am, &c.
(signed) *G. W. Hope.*

— No. 40. —

NEW
ZEALAND.COPY of a LETTER from *J. Somes, Esq.* to Lord Stanley.New Zealand House, Broad-street Buildings,
29 April 1842.No. 40.
J. Somes, Esq.
to Lord Stanley,
29 April 1842.

My Lord,

As the emigration season for the present year has now begun, it becomes necessary that the Court of Directors of the New Zealand Company should, without delay, bring under your Lordship's consideration a matter of very great importance to their interests. This is the interpretation put by the Government on a material provision in the original agreement with the Company, appended to Mr. Vernon Smith's letter of the 18th November 1840. Under head I. are included all the provisions relating to the retrospective adjustment of the claims of the Company. By virtue of this portion of the agreement we were put in possession of the great bulk of the lands now held by us. Head III. goes on to specify the arrangements proposed "with regard to the powers of the Company, and the terms on which the Government will *hereafter* deal with them." Under this head, the clause numbered 4, runs thus: "4. *For the present*, Her Majesty's Government engage that all sums of money which shall be paid by the Company for the purchase of land in New Zealand shall, whenever such money shall be paid in this country, be laid out in the removal of emigrants to New Zealand; it being left to the Company *from time to time* to determine whether such money shall be so laid out by the Commissioners of Colonial Lands and Emigration, or by the Company themselves, under the superintendence and with the concurrence and sanction of those Commissioners."

This provision was not called into action until last June, when, the Company having offered to purchase 50,000 acres of land, the letter from Mr. Vernon Smith, dated the 4th of that month, signifying the acceptance of the offer, contained the following paragraph:—"Lord John Russell directs me to take this opportunity of stating, that after the emigration of the present season, 50 per cent. of the produce of land sales in this country, both from the Company and from individuals, will be retained for expenses of survey, aborigines, and other necessary charges of the local government."

After some correspondence on the subject between the Company and the Colonial Office, Lord John Russell's final decision was communicated to us by a letter from Mr. Stephen, bearing date the 1st September, which informed us that Lord John Russell adhered to his former decision, for various reasons specified in the letter, and on the ground, that the words "for the present" were "expressly designed to leave Government at liberty to vary or modify their regulations."

It is this decision which we now find it necessary to submit to your Lordship's re-consideration; and without failing in that respect with which the liberal and judicious character of Lord John Russell's policy towards this Company induces us to regard his decisions, we think that, as the very date of Mr. Stephen's letter shows that it was written just as his Lordship was quitting office, it is most probable that the subject may have been disposed of without a very deliberate investigation; and due allowance ought, we think, to be made for the bias which would naturally operate on a minister, when forced to give some answer under these circumstances, to incline towards not taking any step binding his successors to a change of policy adopted under such a pressure. It is the more to be regretted that the final decision should thus have been prevented from being given on the real merits of the question, because the original communications upon the subject from the Colonial Office bear evident marks of abruptness and want of due deliberation. No previous intimation was at any time given to us of the intention to make a change, having so vital an effect on our proceedings: we were abruptly informed that it was resolved on, without the slightest previous warning of its being in contemplation. Neither in Mr. Vernon Smith's letter of the 4th June, nor in any subsequent communication, was the slightest reference made to the existing engagements of the Company, or to its operations then actually in progress. The equity of exempting these from the influence of an unforeseen change in the regulations of the Government would have been admitted, had the whole bearing of the matter been deliberately weighed. And such consideration was especially due to a Company which, like this, had formed all its operations on the principle of anticipating the aid to which it was entitled from Government, by taking on itself all the original expenditure, and waiting to be reimbursed at a subsequent period.

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Now, before entering into the circumstances which prove that the interpretation since put on the words "for the present" actually was not that contemplated by any of the parties to the agreement in which they occur, we might rest our case on the words as they stand in connexion with the whole context, not only of the sentence, but of the entire agreement. That the words are vague, and leave the Government at liberty to vary and modify their regulations, we do not deny; but it does appear to us that the interpretation now put on them is inconsistent with the spirit of the agreement and the actual words of the context; and that the assertion of a liberty thus to modify and vary regulations the moment after they have been made, would render the original agreement absolutely illusory. The stipulation for the employment in emigration of the whole purchase-money paid in this country by the Company was in conformity with a principle of which we had urged the application to all monies paid for land, whether by ourselves or by individuals. The Government refused to apply the principle to *all* purchase-monies, but agreed to let the Company try the experiment with that paid by itself. Viewing it as a trial of a principle of colonization, it surely cannot be said that a period, at which not a month had elapsed since the acceptance of the Charter, at which more than six months had to elapse ere the whole capital required by the Charter was to be paid up, and at which, therefore, the Company could hardly be supposed to have settled itself on its new basis, is such a period as could reasonably be supposed to have been contemplated by either party as sufficient for the trial of such an experiment. This view seems to be borne out by the language of the context. The whole provision is evidently made with a view to a continued period involving *many transactions*. It speaks of "*all sums*;" it says, "*whenever* the money shall be paid in this country." These words could not have been used in contemplation of *one sum* and *one payment*. It is left to the Company to determine "from time to time" whether the purchase-money thus entirely devoted to emigration shall be laid out by themselves or the Emigration Commissioners. Such stipulations could hardly have been made to regulate a single purchase, and *once* is not a natural interpretation of the phrase "from time to time."

But, fortunately, we are not left to conjecture, from the mere spirit and context of the stipulation, the interpretation which was put on these vague words by both parties at the time of making the agreement. That agreement, as may be supposed, was not for the first time brought under the notice of the Company by Mr. Vernon Smith's official letter of the 18th November 1840; a rough draft of it had previously been the subject of much private communication between the Colonial Office and the representatives of the Company; and the various provisions had undergone much explanation, discussion and alteration, ere the agreement was reduced to its present form. It was not probable that the obvious vagueness of the words "for the present," in the very provision regarded by the Company as the most important of all those relating to its future proceedings, should escape its notice, or pass without comment; and the fact is, that they were agreed to by us only on the strength of the most distinct private assurances of the limits within which the Government meant to restrain itself in the interpretation of them. When they were first used on the part of the Government, they were strongly objected to by members of the Company, as having the effect of leaving the future so precarious and so entirely dependent on any and every change of mind at the Colonial Office, as to preclude the Company from making any permanent arrangements, on the assumption that the plan of devoting the whole of its purchase-money to emigration was to be continued. To this it was replied, on behalf of the Government, that the Secretary of State was unwilling to pledge the Crown irrecoverably to an arrangement which future experience might show to be defective; that such a pledge to the Company would be even more binding in good faith on the Government than a clause in an Act of Parliament (which might in case of need be repealed), because it would partake of the character of a private contract, founded on the consideration of the stipulations imposed on us, and confer a privilege which would in fact be a sort of property; and that, consequently, Lord John Russell was desirous of reserving to the Crown a power of altering the arrangement in question, in case it should hereafter turn out not to work well for the public. In order, however, to set our minds at ease as to the mode in which such a power might be exercised, we were over and over again assured that it was the intention of the Government to give this arrangement a fair trial. In speaking of the period at the end of which the Government wished to leave itself at liberty to reconsider the subject, and make any change
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that might be found necessary, the words used by the organ of the Government were sometimes, "some years,"—once or twice, perhaps, "two or three years," but generally "three years;" and the impression left on the minds of those who communicated with the Colonial Office was, that the Government would give no assurance as to what might be done after three years, but that until the end of that period, at any rate, we might feel assured that the provision would not be changed. Upon this explanation, and having regard to the words in the context to which I have before adverted, the Company assented to the clause as it now stands.

The above-mentioned explanation of the sense in which the Government was prepared to act on the words "for the present," was made to a Court of Directors of the Company, by two of their body, Mr. John Abel Smith and Mr. Hutt, in the presence of Mr. Charles Buller, who, as the legal adviser of the Company, had been engaged in personal negotiations with the organs of the Government as to the principles and details of the agreement, and who concurred with them in this explanation of the purport and meaning of the words "for the present."

That the Company relied on these explanations as assurances of the intentions of the Government is shown by the fact that they immediately set about forming their plan of future operations on the basis of the provision that the whole of their future purchase-money was to be exclusively devoted to emigration. By the arrangement respecting our claims in virtue of past expenditure, we became immediately entitled to a large extent of land; and the question arose how we were to dispose of this property for the greatest advantage of the shareholders. Had we looked merely to their immediate interests, and to no lands but those which we had already acquired, the obvious mode of proceeding was to offer these lands for sale at a price somewhat lower than the ordinary price of Crown lands, and to put the proceeds of the sale into the pockets of the shareholders. No stipulation had been made by the Crown to prevent the Company from acting in this manner; and it would have been the duty of the directors, as guardians of the interests of the shareholders, to pursue this course, had they not perceived that the provision made with respect to their future purchases would enable them to adopt a plan more beneficial in the long run for the shareholders, and not only free from all objections on the score of injury to the public (to which the plan of underselling the Crown, and dividing among the shareholders the proceeds of the sale of at least 800,000 acres, certainly was liable), but calculated to promote the public interests in a high degree. The court of directors, therefore, entered into a solemn and public, though conditional, pledge on the part of the Company, that none of the land then actually its own in respect of past outlay should be sold for less than the minimum price of Crown lands for the time being; and that at least 15*s.* per acre of the proceeds of sales should be employed in promoting emigration to the lands sold. This pledge was given in a despatch from the court to the Company's principal agent in New Zealand. We append an extract from that despatch, in order that your Lordship may see how emphatically the pledge was then and there given, and grounded on reasoning similar to that by which we have above explained the course taken by us.

From that extract it will be seen that the single and (as it appeared) sufficient ground on which the Company undertook not to sell at a lower price than the Crown, and to devote at least 15*s.* per acre, or 600,000*l.*, to the sole purpose of emigration, was the provision of which the continuance is now the question. That provision enabled the Company, without disregarding the interests of the shareholders, to consult those of the public by promoting the work of colonization, and thus fulfilling the great object which the Government had in view in its arrangements with them; and it must be observed, that the Company took great care in giving the pledge to accompany it throughout with explanations that rendered it conditional. Thus, in another part of the same despatch, we say that "for the present" we pledge ourselves to expend 15*s.* per acre in emigration. In the extract appended we signify our purpose with a still more distinct allusion to a contingency which may compel us to abandon it. When it was stated that the plan then determined on should be persevered in, "unless some great change should take place in the position of the Company, such as appears to be altogether improbable," we pointed to the possibility of a future alteration of the provision respecting the application of our purchase-money to emigration, but pointed to it with an expression of our conviction of the utter improbability of the contingency, which we had, however, thought it prudent not to pass over in absolute silence.

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The importance to our future operations of the continuance of the provision in question is, however, not only proved by the statements which we have promulgated, and the pledges which we have given, but may be placed in a yet stronger light by describing the plan on which we have actually proceeded in founding our settlement of "Nelson;" and by showing how impossible it would be for us ever again to found a new settlement on a plan so advantageous to the public, unless the benefit of the present provision is continued to us. Your Lordship will, we trust, from the following statement of the plan on which that settlement is launched, draw the conclusion that the proceedings of the Company are calculated to serve public interests by promoting colonization on a large scale, and with an enlightened regard to the civilization, as well as the material prosperity of the emigrant; but the conclusion which it is now necessary for us more especially to impress on you is, that without the aid which we expect to derive from the operation of that provision, such a settlement on lands now to be purchased from the Crown would obviously be a most losing transaction for the Company. At the Nelson settlement we propose to sell 200,000 acres of land, at 30s. an acre; but out of this purchase-money the Company undertakes to expend 15s. per acre in emigration; 5s. per acre for the public purposes of the settlement, including religious endowments, education, and the encouragement of steam navigation by bounties; and 5s. per acre for expenses of exploring and selecting the site, the establishment of the settlement, and the furnishing it at the outset with the necessary supplies. It might be easily shown that no settlement on these terms could remunerate the Company, unless the quantity of land required for it were purchased by us,—not taken from our present possessions; and such purchase would be profitable only if the whole of the purchase-money were returned to us on account of emigration. If only half were returned, every such settlement would occasion positive loss; and it is not too much to say, that six such transactions would extinguish the entire capital of the Company. None of the kind, therefore, could by possibility be undertaken on such terms; and thus the consequence of persevering in the proposed alteration of the provision would inevitably be, the abandonment of this efficient and beneficial method of forming new settlements, and the conducting our future operations on a comparatively cramped and feeble plan.

We think we may safely rest our case on the general character of the agreement, and the whole context of the clause in which the words are found, on the assurances received by us respecting the purpose with which they were inserted, and of the meaning that was attached to them by the organs of the Government, and on the fact of our having, in perfect reliance on these assurances, shaped our course so as to render it absolutely detrimental to ourselves, in case the proceeds of our purchases of land were not to be devoted to emigration. We trust we shall have satisfied your Lordship that the interpretation now put on the words, "for the present," is inconsistent with the meaning of both parties at the time of making the agreement, and that the taking advantage of them for the purpose of depriving us of the benefits reserved to us by the provision in question, would render most injurious to us all the arrangements which we have made on the faith of its permanence, and made greatly to the benefit of the public. As far as we can infer from the arguments adduced in Mr. Stephen's letter, for what is there admitted to be a hard, but what we trust we have shown to be not a fair, interpretation of a loosely-worded clause of the agreement, Lord John Russell's adoption of the unfavourable construction of that clause seems to be founded on his having previously conceded to us a relaxation of another clause of the agreement, by which it was stipulated that the lands we might turn out to be entitled to in virtue of our past expenditure should be selected out of the tracts claimed by us by purchase from the natives; and in the last sentence of Mr. Stephen's letter it is apparently admitted that, were it not for our having received this favour, we should have a reasonable claim to a more favourable interpretation of the words, "for the present." But if we have succeeded in showing that the good faith of the Government is pledged to maintain in force the provision of which we are speaking, it will hardly be contended that the relaxation of a condition which we found inconvenient is to give the other party a right of dispensing at its pleasure with some one or other of its engagements to us. The relaxation of the condition respecting the locality of the lands to be selected by us was asked for by us,—and we suppose conceded by the Government,—at least as much in the interest of the public as in that of the Company; and, at any rate, it was a relaxation which we should never have accepted, had we supposed it was to be purchased

purchased by an abandonment of the very most important advantage secured to us for the future by the agreement with the Government.

But there is another matter adverted to in the letter which we cannot pass over, though the exact bearing of it on Lord John Russell's decision is not explained, and is by no means obvious. His Lordship, we are told, would "observe that, according to the award of Mr. Pennington, the lands thus acquired by the Company will probably exceed a million of acres; a result unforeseen by Lord John Russell, and, as he believes, by the Company themselves, when the original agreement was made." We are not told to what amount of land Lord John Russell supposed that the Company would make out its claim, and what excess above that was sufficient to produce an impression on his mind unfavourable to the application of our purchase-money to emigration; but we can assure your Lordship, that, as we could not be ignorant of the amount of our past expenditure, we never anticipated making good our claim to any extent materially less than that awarded by Mr. Pennington. We must assure you, also, that the misconception on the part of the Government was not brought about by any misrepresentation or undue concealment on our part. We were never called upon, at any stage of the negotiations, to give an approximate estimate of our past expenditure. We cannot positively say that the statement of any precise amount was at any time volunteered by any one on our part; but we feel sure that quite enough was, in the course of the negotiations, stated respecting the amount of money originally subscribed, and of that which had been received at the land sales of the Company; it was stated with quite sufficient distinctness that the greater part of this whole amount had been already expended, and quite enough stress was laid on our additional liabilities to have suggested to the Government some proximate notion of the amount of land it was granting to the Company; and we can very positively state that on one occasion, on which the amount likely to become the property of the Company was very much under-estimated, it was stated in reply that it would be found to be very much larger.

Indeed there is one clause in the agreement, which on its mere face seems to imply a very large amount for the whole claim of the Company; and the circumstances which occasioned that clause to assume its present shape must, we think, have suggested to the Government something not far short of the amount now awarded to the Company. The clause is numbered 6, under head I., and regulates the mode in which the lands to be assigned to the Company in virtue of past expenditure shall be selected by them. The general rule laid down is, that they are to be taken in blocks of not less than 30,000 acres each, and of a certain regular shape; and in the first form in which the agreement was drawn up, this general rule was unaccompanied by any exceptions. When this was shown to those of the directors of the Company who took the chief part in the management of the negotiations, the justice of the general rule, as applicable to the bulk of their lands, was acknowledged, but the necessity of certain exceptions was suggested. It was urged that, in order to enable the Company to obtain isolated spots that might seem desirable for the foundation of towns or public establishments, it would be proper to allow it to choose a limited quantity of land in smaller lots. A more important exception was urged in the case of the two settlements already formed or engaged to be formed by the Company at Port Nicholson and New Plymouth. Here, it was said, that the lands had already been disposed of; that the Company had positively stipulated to give the very best lands in the districts to purchasers fixing upon them; and that in order to fulfil its actual engagements, the Company must have the power of selecting lands about these two settlements without any reference to shape or even continuity. Both these exceptions were admitted by the Government; the Company was allowed to select six blocks of not less than 5,000 acres each; and in the neighbourhood of Port Nicholson and New Plymouth it was to be at liberty to select 160,000 acres where it might choose. With these exceptions, the general rule as to the size and shape of the blocks was to hold good. But you will see that the total amount provided for by these exceptions could not by possibility be less than 190,000 acres, and would probably exceed that number. Unless it were supposed that the operation of the general rule was to bear no adequate proportion to that of the exceptions, the total amount could hardly be supposed to fall short of some such as that awarded by Mr. Pennington.

And now, supposing that our claim on the good faith of the Government were less strong than that we have shown it to be; supposing that, according to the assumption in Mr. Stephen's letter, the Company had obtained an amount of

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public land never contemplated by the Government when it laid down the principles by which our claims, as well as those of other persons, were to be measured ; in what way, we would ask, would the alteration of a provision most advantageous to the public be considered as any compensation for the concession of an inordinate quantity of land to the Company ? Of the lands thus awarded to us it is not suggested that we should be deprived. The only effect that the alteration of the provision respecting the application of our future purchase-money to emigration can have upon our proceedings is to make us alter our course with respect to emigration and the purchase of land. The suddenness and great importance of this change in a provision on which the directors had based the whole plan of the Company's future operations, cannot but inspire them with doubts as to the entire course of their future proceedings. Their doubts will necessarily spread to the public, and they can only look forward to a reaction of suspicion and fear upon that public confidence and spirit of enterprise which has enabled them to promote emigration to New Zealand, in the course of about two years, to the extent of 6,789 souls, including 685 cabin passengers, possessing amongst them a very large amount of capital for investment in the colony. But the most fatal effect which the alteration of the provision would produce on the operations of the Company would be that of rendering it incumbent on the directors, as a matter of duty to the shareholders, to revert to that very plan of disposing of their present lands which they condemned in the extract above quoted from the published statement of their intentions. It would be the interest of the shareholders at once to abandon the character of a colonizing Company, and sink into that of a mere land-jobbing association,—systematically underselling the Government,—thereby thwarting every attempt it may make to obtain an adequate price for its lands, and thus putting a stop to emigration to New Zealand ; and when they had in this way enriched themselves by the gradual sale of their present possessions, to allow the Company to expire without having taken a single further step to promote the national objects contemplated by ourselves as well as by the Government, in the settlement of our claims and position.

On the very different course which we are actually pursuing under the close supervision of the Government, and on the principles to which we have pledged ourselves, it must really be a matter of perfect indifference to the Government, as the guardian of the public interest, what may be the extent of land awarded to us under the principle recognized by it as applicable to all past acquisitions in New Zealand. Whatever may be the quantity, we have engaged to sell none at a less price than that of the Crown lands for the time being, and to devote to emigration at least 15s. per acre of whatever purchase-money we may receive for those lands. In the same spirit which guided us in making that engagement with the public, we should feel no repugnance to any stipulation that should give to the continuance of our past course a firmer guarantee than our spontaneous pledges. When we ask for the continued application of the whole of our future purchase-money to the purpose of emigration, we, on our part, are ready to be bound by any provision that may appear sufficient to the Government, both that we shall not at any future time resell any of our lands for a less price than that at the time required for Crown lands, and also that, of the purchase-money received for land awarded to us, we shall expend for emigration at the rate of at least 15s. per acre.

We have thought it due to the shareholders, whose interests we represent, and to the colony, the prosperity of which seems to us likely to be seriously retarded by the change of the rule laid down in clause 4, that we should thus lay fully before your Lordship the grounds on which we object to the change contemplated, and that we should request your re-consideration of a course which appears to us neither equitable nor politic. But even if your Lordship's decision on the general question should be unfavourable ; if you should hold it right and advisable to abrogate clause 4, and establish a different rule in its place, we think that, without impugning such a decision, we shall be able to show that an exception should be made from it with respect to so much land as is required to complete our arrangements with respect to our Nelson settlement. That settlement was, as we have explained above, undertaken in the early part of 1841, on terms which were most advantageous to the public, but which must be productive of loss to the Company, unless, as we originally contemplated, the whole amount of the money expended in emigration were returned to us ; on the plan of returning only half the purchase-money, it would be absolutely and inevitably a losing matter for us to complete that settlement on that plan. But with respect to that settlement

settlement, we, being bound by our engagements to actual purchasers, cannot abandon that plan: even if we could legally abandon it, we could not do so without loss of character for consistency and proper forethought, and without, therefore, giving those who have already purchased land there, a right to complain of our change of system. We must go on, therefore, and complete the settlement on its present plan; though, with the change of clause 4, this would be to complete it at a dead loss. This loss, on the best calculation made by us, would, even after deduction of about 28,000 acres, which we have either received or are to receive on the old plan, be not less than 18,000*l.*, besides all the expense of our establishments. This would not be fair on us; for, even supposing we were not entitled to rely on the continuance of clause 4 for three years, I think you will admit that we had reason to think it would not be altered; that when we commenced the sale of land in Nelson we had a right to act—indeed we could only act—on the provisions of that clause, which were then, at any rate, in force; and that the Government, even if it be at liberty to adopt another rule with respect to the future, is not equitably free to do so with respect to transactions already entered upon on the previous system. In saying this, I rely not merely on the general policy of not allowing new rules to affect transactions commenced before their adoption, but also on the actual knowledge which the Government had of the plan on which the Nelson settlement was formed some time before its change of purpose with respect to the application of our purchase-money. That change was announced on the 4th of June. But we had communicated the plan of the Nelson settlement on the 3d of April preceding, and had had it acknowledged by the Colonial Office on the 28th of that month.

Whatever, therefore, may be the course with respect to future transactions, we may, I think, fairly ask that, with respect to those involved in the plan of our Nelson settlement, we shall be entitled to the benefit of the old rule; that is, that, to the extent contemplated in that settlement, we shall be allowed to purchase land on the condition of the whole purchase-money being expended on emigration, or (which is the way in which it is practically done) receive land to the amount of our expenditure in emigration.

The sum engaged to be expended by us in emigration to the Nelson settlement is 150,000*l.* For this we ought to receive land at the rate of 20*s.* per acre, with a discount of 20 per cent.: this would be 187,500 acres. But of this we are already, by virtue of the arrangement sanctioned in Mr. Vernon Smith's letter of the 4th June, entitled, as near as we can calculate, to 28,000 acres; after deducting which there would remain 159,500 or 160,000 acres; with respect to which, in order to complete our Nelson settlement, the provisions of clause 4 ought to continue in force; or, in other words, when we shall have expended the whole 150,000*l.* in emigration to Nelson, we ought to be allowed in virtue of it 160,000 more acres of land.

On the grounds of general policy, on which I understand the Government to have made the change to the 50 per cent. plan, a deviation from it with respect to the Nelson settlement would not to any great extent interfere with the purposes of Government. The Government proposes to apply the remaining 50 per cent. to the purposes of the local government; of which, I take it, the principal will be local works and institutions. Now, on the plan of our Nelson settlement, we actually purpose to apply the greater part of this remaining 50 per cent. to public works and institutions, such as churches, a college, schools, roads, steam communication, wharves, &c. So that we purpose applying the greater part of the money to the very objects for which the Government wishes to take it.

Even, therefore, if your Lordship does not think fit to re-consider Lord John Russell's decision with respect to the general rule, and admit our claim to the continuance of the benefits secured to us by clause 4, head III. of the agreement, we trust that you will at least relax the new rule so far as to enable us to complete without loss the settlement of Nelson, which we commenced some time before any notice was given of the intention of Government to change the existing rule. For that purpose we would ask that we be allowed to acquire 160,000 acres, on the condition of receiving back the whole price for emigration.

I have, &c.

(signed) *Joseph Somes*, Governor.

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Enclosure in No. 40.

EXTRACT of a DESPATCH from the Court of Directors to the Principal Agent of the New Zealand Company, dated London, 26 April 1841.

Encl. in No. 40.

4. THE remainder, amounting at least, in so far as the award is at present final, to 800,000 acres, constitutes a property which cannot be estimated in ultimate value, according to the lowest price at which the Crown has determined to sell public lands in New Zealand, at less than 1*l.* per acre, or 800,000*l.* This sum the directors feel satisfied that it would be in their power to realize in the course of time by gradual sales, and without further contributions from the Company in respect of these lands to the emigration of people; still less can there be any doubt that, inasmuch as these lands are granted to the Company on the score of past expenditure for colonizing purposes, the Company would be justified in dividing the whole of the proceeds of such gradual sales among the shareholders. But there is a far more important question than the legal and moral right of the Company to sell their lands for the immediate and exclusive benefit of the shareholders,—for the mere purpose, that is, of replacing with profit the capital which has been laid out in acquiring the lands,—and this question is, whether it would be politic, with a view to the ultimate advantage of the shareholders, to adopt such a course. The court are decidedly of opinion that it would not. I am desired to state their reasons for this conclusion.

5. By the charter which it has pleased Her Majesty to grant to the shareholders, they are incorporated; extensive powers are bestowed upon them as a Company; and they are required to increase their capital very largely for the purpose of becoming the principal instrument of the state in the colonization of New Zealand. If the object of this charter should be fulfilled, the operations of the Company will not be confined to the disposal of lands acquired by means of past expenditure and liabilities, but will extend to further purchases from the Crown, to the conduct of emigration in proportion to such further purchases, and to the formation of settlements in whatever part of the islands natural circumstances may hold out the prospect of gain by such undertakings. The directors, therefore, feel it incumbent on them to consult, not merely the present advantages of the shareholders, but also their future interest; which, with good management, will be in proportion to the magnitude of the Company's future proceedings. As the Company has future objects of such importance in view, the directors think that it would be a narrow and short-sighted policy on their part to dispose of the Company's present property in land for the mere purpose of putting money immediately into the pockets of the shareholders. It appears to them of essential importance to the greatest prosperity of the Company in the long run, that in the disposal of every acre of land that may come into its possession, the principle of colonization on which the Company was founded, and to which it has thus far faithfully adhered, should be as strictly observed as if there were a legal obligation to that effect. If the directors were now to sell any land for a less price than that which is required by the Crown, or without providing emigration in proportion to the land sold, that principle of colonization would be set at naught. Evils of various kinds could not but ensue. The Crown would be undersold in the land market, and Her Majesty's Government would have just cause to repent of the liberal arrangement that has been made with the Company. Emigration not being supplied in proportion to private property in land, labour would be more scarce; and not only would the colonists generally have reason to complain of a public injury, but those who had before bought land of the Company, and whose purchase-money had furnished the means of emigration in proportion to the extent of that land, would be seriously damaged, by finding the labour which they had imported taken away from them by other buyers of the Company, who had not provided for any emigration. The first purchasers would almost have a right to complain of bad faith on the part of the Company, which has always held out the prospect that not less than 15*s.* per acre would be devoted to emigration. In this way, the prosperity of the settlers would be checked, and the Company's character for public spirit and faithful adherence to its engagements would be damaged. In the end, the shareholders would be the greatest sufferers. The directors have resolved accordingly, that, unless some great change should take place in the position of the Company, such as appears altogether improbable, none of the land acquired by means of past expenditure shall be sold for less than the general minimum price of Crown lands, viz. 20*s.* per acre: and that not less than 15*s.* per acre of the proceeds of sale shall, as heretofore, be devoted to emigration.

6. The directors are, moreover, satisfied, that, in thus providing against injury to the settlers, and to the character of the Company, they make no sacrifice of the merely pecuniary interest of the shareholders. Whatever may be the amount of emigration outlay in respect of lands already the property of the Company, that sum, paid from time to time in emigration, conducted by the Company, under the superintendence of Government, will constitute, in effect, the purchase-money of more land for the Company, which again may be resold, with a similar provision for emigration. This second emigration will again purchase more land, and so on continually, until it shall no longer be expedient, either for the Government or the Company, that more labourers should be conveyed to New Zealand, when the proceeds of the sale of all lands remaining to the Company will fall to the shareholders, in the shape of profits and replaced capital. This view of the course of operations is illustrated by the plan of the second colony. Supposing the lands forming this second settlement to be taken from those acquired by past expenditure, their sale will, nevertheless, provide a fund for emigration, amounting to 150,000*l.*; and this sum, according to Lord

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John Russell's arrangement with the Company, will constitute the purchase-money of other lands. Those other lands being treated in the same way, care always being taken that the expenditure for emigration shall not be less per acre than the price paid to the Crown for lands, the colonizing operations of the Company might proceed, without the employment of any further capital. It is not, however, intended by the court, as you will see presently, to make arrangements for sparing the use of the Company's capital in colonization; I am desired to show how it might be spared, only for the purpose of explaining that it will be rather advantageous than injurious to the holders of the Company's stock to make the sale of the lands granted to the Company in respect to past expenditure provide for emigration, at the same rate per acre as the purchase of other lands from the Crown.

— No. 41. —

COPY of a LETTER from *G. W. Hope, Esq.* to *J. Somes, Esq.*

Sir,

Downing-street, 24 May 1842.

No. 41.

I AM directed by Lord Stanley to acknowledge the receipt of your letter of the 29th ultimo, and to make to you the following communication of his sentiments upon the subject.

J. W. Hope, Esq.
to *J. Somes, Esq.*
24 May 1842.

Your letter contains an appeal from the New Zealand Company against a decision of Lord John Russell, communicated to them on 4 June 1841; and, after some correspondence on the subject, finally confirmed by him a few days before he quitted office.

The grounds on which that appeal is made are, that the departure from the terms of the original agreement then announced was not consistent with the letter of that agreement, and if with the letter, not with the spirit and understanding which prevailed between the parties; and the application itself is, first, that Lord Stanley would altogether rescind the decision and revert to the original terms; or, failing that, that his Lordship would dispense with the application of the rule as it applies to the "Nelson settlement."

In reference to this important case, Lord Stanley has most anxiously considered the original terms and the subsequent amendment, with an earnest desire to satisfy any just claims of the New Zealand Company, founded not only on the letter, but on the spirit of their contract. In doing so, however, Lord Stanley feels that he must altogether exclude from his consideration all that part of the argument which is founded upon private conversations said to have taken place, and instructions said to have been given, and said to have influenced the Company in signifying their assent; but of which no record of any description exists, and on which, consequently, even if they could be considered as in any way official, reference must be had to individual recollection only. And his Lordship cannot but express his regret, that in a document officially addressed to the Secretary of State, so large a portion of the argument should have been founded on such references; more especially as the Company must be aware that the gentleman to whom they refer does not assent to the accuracy of the statements made, and yet that he has no means at his command of corroborating his own recollections of several private conversations, on which the Company rely for the explanation of the terms of a contract with the Government, involving the expenditure of many hundred thousand pounds. Lord Stanley further cannot but remark, as at least singular, that the charge against the Government of breach of faith, founded upon the alleged understanding which rested on those conversations, was never brought forward in the course of the correspondence which took place from time to time during the three months that Lord John Russell remained in office after he had communicated the intended change; but that on the contrary, in addressing the framer of the agreement, in reference to the contemplated change, it is admitted, in the month of July, that the Company had been "partly prepared" for it by a letter bearing date the 2d December previous. Omitting, therefore, as Lord Stanley feels bound to do, all reference to private "conversations" and "understandings," his Lordship looks to the official records of the transactions between the Government and the Company as those by which alone he must be guided.

Lord Stanley finds heads of agreement proposed by the Government on the 18th November 1840, and thankfully accepted by the Company on the following day, relating to the terms on which the Company was to be incorporated by charter, to arrangements in reference to land to be granted in consideration of expenses already incurred by the Company, and to the terms on which future purchases of land should be made, and the purchase-money of such lands applied,

NEW
ZEALAND.

The two latter propositions were kept perfectly distinct, under two separate heads, and were, in fact, as it is important to consider them, two independent parts of the same transaction.

In virtue of the first of these, the Company acquired the right to the selection, within certain limits, of an amount of land, to be ascertained by reference to antecedent proved expenditure, at the rate of 5*s.* per acre, the extent of which is still uncertain, but which has been roughly estimated at somewhere about 1,200,000 acres. The Company state, and as far as documentary evidence goes, with apparent correctness, that "at no stage of the negotiations were they called upon to give an approximate estimate of their past expenditure," nor, consequently, of the proportionate amount of land which they were to receive. Whether, however, that quantity were larger or smaller, they were to receive it in consideration of past expenditure, and without any money passing between the Government and the Company, or any engagements entered into on the subject of emigration.

The last head of the agreement had reference to future purchases; in regard to which it was stipulated, "that if the Company shall at any time purchase from the Government 50,000 acres of land, and pay for the same in ready money," a discount (the amount left blank) should be allowed; that all lands sold to the Company should be subject to the general rules affecting all other lands; and that for the present, all sums of money paid in this country by the Company for the purchase of land in New Zealand should be laid out in the removal of emigrants to New Zealand.

On the 2d December following, Lord John Russell, in a further communication to the Company, stated the general policy which it was the intention of the Government to pursue in reference to the colonization and administration of New Zealand, adding at the same time, that he desired it "to be distinctly understood," that "he entered into no pledge, either express or implied, as to the continuance of that policy, if at any future time it should be thought right to change, or to abandon it." He then discloses his "present views" as to the general conduct of the colony, and intimates, that on the sales of all lands, "at least 50 per cent. shall be applied towards the introduction of emigrants." Whatever may be his opinion as to the inequality of the terms thus guaranteed "for the present" to the Company and to private settlers, Lord Stanley feels bound to admit, that he thinks it was clearly intended to draw the distinction; and that at that time the Government had no intention of altering the terms with respect to land to be purchased by the Company.

In the month of May, application was for the first time made under the terms of this agreement for the purchase of 50,000 acres; in assenting to which, under the condition that the whole transaction should be completed before the close of the month of November, Lord John Russell informed the Company, that, after the emigration of that year, the rule of 50 per cent. should apply to the Company, in common with all other purchasers of land. Against this decision the Company appealed, though ineffectually, to Lord John Russell himself, and they now renew their appeal to Lord Stanley.

Upon the wording of the original agreement, Lord Stanley considers that there cannot be a question but that Lord John Russell had a perfect right to make this change. The words used, as the Company admit, are "vague," and are studiously inserted with the view of "leaving the Government at liberty to vary and modify their regulations;" and, on the other hand, his Lordship frankly admits, though no party to the transaction, that in November 1840, it does not appear to him that the Government contemplated so early an alteration of the rule which they laid down "for the present." While, therefore, he admits no breach of faith, and claims for the Secretary of State, in June, the full and entire right of acting as he did, he is ready to enter on the inquiry, whether the Company were injuriously and unjustly affected by the early alteration of the rule.

That a Company,—which, by agreement with the Government, has obtained, under limitations, which have since been much relaxed, a right which it is estimated will give them the power of selecting about 1,200,000 acres, at 5*s.* per acre, in a colony where the minimum price of all Crown land is fixed at 20*s.*,—has any ground to complain of injustice in being subjected, in reference to its future purchases, to the same conditions as all ordinary settlers, Lord Stanley cannot for a moment admit; and, believing that the rule laid down of reserving to the Crown at least the discretion of applying one-half of the gross proceeds of the land

land sales to the purpose of the surveys, the benefit of the aborigines, and even the general expenses of the Government, is in itself sound and judicious, he cannot assent to the proposition that its application should be interfered with, by an indefinite "understanding" of one of the parties to a contract which is contradicted by the terms of the contract itself. Lord Stanley admits, however, that the early alteration of the terms renders it imperative on the Government to inquire whether the Company were damnified by the sudden and unexpected change.

In support of the allegation that they have been so damnified, the Company state that, on the faith of the continuance of the terms set forth in the letter of the 18th of November, they proceeded to form their plans, and in February laid down the scheme for a second settlement, which scheme was communicated in full to the Colonial Office on the 3d April, and acknowledged on the 26th. That the new rules were not promulgated till the 4th June; and that in the interval, on the faith of the continuance of the original plan, they had entered into engagements with individuals which they were bound to fulfil, but which subject the Company to a dead loss, unless the whole proceeds of their purchases, to the amount of 200,000 acres at least, be allowed to be laid out in emigration. In seeking to establish this last proposition, the Company do not distinctly state the data on which they proceed, but they do state that they have bound themselves, by their engagement, in a sale of 200,000 acres, to lay out at least 15*s.* on emigration, and 5*s.* on public works. Supposing, therefore, that this land were to be purchased of the Government at 1*l.* per acre, minus the discount of 20 per cent. or 16*s.* per acre, their outlay would be 160,000*l.* for the purchase, and 200,000*l.* for emigration and public works; in all 360,000*l.*

On the other side of the account would be 300,000*l.* for the sale, at 30*s.* per acre; and 80,000*l.* returned by the Government for emigration; leaving a balance in favour of the Company of 20,000*l.*, which probably would not be sufficient to defray the necessary expenses and profit on their capital. On the other hand, if the whole of the purchase-money were returned in the shape of emigration, the transaction would leave, on a temporary advance of 160,000*l.*, a clear balance in favour of the Company of no less than 90,000*l.*; besides a sum of 10,000*l.* paid by the Government for emigration, over and above the whole amount of 150,000*l.* covenanted to be paid for that object by the Company.

But, in truth, no such plan was ever in contemplation in respect of the Nelson settlement; it was not contemplated by the Company to advance a single shilling of their own money, or to buy an additional acre of the Government, unless out of the proceeds of the sale of that settlement. It was intended to sell, at a large profit, a portion of the lands previously acquired by the Company, and after furnishing an ample dividend, to invest the remainder in fresh land.

That this was the case, Lord Stanley considers is abundantly clear.

In the terms of the Company's prospectus issued on the 15th of February, it is stated to be the intention of the Company to form a second settlement "upon its territories in New Zealand." In communicating this intention to Lord John Russell on the 3d April, Mr. Bell informed his Lordship that "the Company had already disposed of a large quantity of land under the regulations for its second colony;" a step which could hardly have been taken, except with reference to land to which, at the time of making the sale, the Company were actually entitled. But to remove all doubt as to the intentions of the Company, Lord Stanley would observe, that the single object with which any communication on the subject was made to Her Majesty's Government was to point out the inconvenience under which the Company laboured, and from which they prayed to be exempt in reference to their second settlement, arising out of the restrictions as to the limits within which their land was to be included; a restriction which applied only to land which they were to select in virtue of their previously existing rights, and not in any respect to land which might be the subject of future purchase.

The intention thus manifestly being not to purchase new land, but to dispose of a portion of that to which they had already acquired a claim, the question of the amount of purchase-money to be expended in emigration never arose; and Lord Stanley can, therefore, attach no weight to the argument, that from the 3d April to the 4th June, the Government were cognizant of the engagements into which the Company had entered, and by their silence had virtually sanctioned those

engagements, as to the continuance of the existing regulations in respect to the portion of purchase-money to be expended on emigration.

The financial nature of the scheme adopted by the Company was as follows:— Having bought 200,000 acres for 50,000 £., they sell them again at 300,000 £., covenanting, however, to make an outlay of half the price on emigration; and 50,000 £. more on other public objects, leaving a balance in their favour of 100,000 £., or, in other words, giving them back the original price of the land, with cent. per cent. for expenses and profit. The Company state, that six such transactions would exhaust their entire capital. It is true, that six such transactions would have exhausted the whole of the land which is estimated to have been originally acquired by the Company; but the result of the process upon the terms contended for by them would have been, that they would have received 300,000 £. to meet expenses and profit upon 300,000 £. outlay, besides acquiring, in virtue of an expenditure, not of their own money, but of that of the purchasers, of 900,000 £. on emigration, a title to above 1,100,000 acres of land in lieu of the 1,200,000, which it is assumed they would have sold.

This is, in point of fact, the transaction, to the extent of one-sixth of its amount, which Lord Stanley is called upon to sanction, by rescinding, in reference to the Nelson settlement, the regulation introduced by his Lordship's predecessor, by which one-half only of future purchases shall be applied to the purposes of emigration; on the ground that, except on the understanding that they would obtain additional land to the full amount of the sums laid out in emigration, the Company could not have offered to the Nelson settlers the terms which they did without serious loss. It is necessary to examine precisely how this case stands. Apart from the question of land at all, it has been seen that the Company make cent. per cent. on their original investment of 50,000 £. But in addition to this, even under the system of 50 per cent. of which they complain, they have the advantage of being enabled to defray any portion they may think fit of the emigration for which they have covenanted, upon purchasing a proportionate amount of land, at a price which to them will be in fact only 8s. per acre, or only two-fifths of the amount which is charged to the ordinary settler.

Great, however, as these advantages are, Lord Stanley is aware that it may be said with truth, that, at the time when the Company formed the second settlement, they had reason to believe that they would be greater still; that of the 50,000 £., which has been assumed, over and above the return of the original purchase-money, for profit and expenses, the larger portion is absorbed in the latter, and that there is even granted to the settlers an indefinite pledge of the application of a contemplated surplus to public purposes in the settlement. Lord Stanley is desirous, on the part of Her Majesty's Government, of dealing equitably and liberally with a Company which has made great, and hitherto, his Lordship has pleasure in adding, successful exertions in promoting the settlement of New Zealand; and, although he cannot admit the claim which the Company put forward, of a grant of land equivalent to the full value of the amount which they are bound to expend on emigration, he is willing to undertake, on the part of the Government, that, of the purchase-money of the first 100,000 acres to be bought by the Company of Her Majesty's Government, while one-half is applied to the purposes of emigration, the remaining half shall be expended on such public objects connected with the Nelson settlement as shall be agreed upon between the Company and Her Majesty's Government.

Lord Stanley trusts that in this offer the Company will recognize the readiness of the Queen's Government to give every fair consideration to the past exertions and to the future prospects of the Company. His Lordship must, however, add, that these 100,000 acres must be taken in not more than two separate blocks, and subject to all the conditions, as to size and figure, to which the Company was subjected by the rules laid down in sec. 6, under head I., of the agreement which accompanied Mr. Vernon Smith's letter of the 18th November 1840; and further, that the selection of the land must be made within a twelvemonth of the date of this letter.

It must be understood, however, that this expenditure will be allowed for only in proportion to the amount which the Company shall from time to time prove, to the satisfaction of Her Majesty's Government, to have been laid out in defraying the expenses of emigration to that settlement, in conformity with the conditions offered to the original settlers.

It is necessary that, at the same time that Lord Stanley makes this offer to the Company,

Company, he should also distinctly apprize them, that this must be the last transaction between the Company and the Government, in which the former will be permitted to *claim* any peculiar advantages, and that, with this exception, they will hereafter be placed upon the footing of all other companies or individuals engaged in "purchasing, selling and making a profit of lands." Lord Stanley has not come to this conclusion without full consideration of the comparative advantages and disadvantages which may attend it, nor without having fully satisfied himself that, while the Company, acting within its appropriate limits, and cordially encouraged by the local government, may and will do much to advance the prosperity of the colony, it is not for the advantage of the public that the arrangement should be continued, by which, in virtue of an original outlay, they will successively become the purchasers and sellers of nearly the whole extent of land in the colony.

In Lord Stanley's judgment, the inconvenience arising from the continuance of such a system would more than counterbalance the possible, and perhaps probable, temporary diminution of the revenue arising from land sales, which would be consequent on a change of system by the Company. It is no doubt true, that, with the large amount of land now in their possession, they may be enabled for a time to undersell the Government at a profit; but it is, to Lord Stanley's mind, equally clear that they cannot do so without at the same time promoting to an equal extent the really national object of the immigration into the colony of those settlers who are to give value to their vast possessions; and on this head he has no fear of any injurious or unfriendly rivalry between the Company and Her Majesty's Government.

The importance of the topics which Lord Stanley has had to treat will sufficiently explain the short delay which has taken place in replying to the letter of the 29th April; and, in conclusion, he can only assure the Company, that the instructions sent out to the Governor will enjoin him on all occasions to give the most favourable consideration to representations which the Company's agents may make to him on public matters; and in the discharge of his legislative and administrative functions, to afford the amplest protection, encouragement and countenance to those who may settle upon the lands belonging to the Company.

I have, &c.

(signed) *G. W. Hope.*

— No. 42. —

COPY of a LETTER from *J. Somes, Esq.* to Lord Stanley.

New Zealand House, Broad-street Buildings,
10 June 1842.

My Lord,

ON behalf of the directors of the New Zealand Company, I have the honour to acknowledge the receipt of Mr. Under-secretary Hope's letter of the 24th ultimo, relative to the claim of the Company, that "for the present," the whole of its expenditure in emigration shall be repaid to it in land, at the current rate of the public sales, and to express to your Lordship the satisfaction which the favourable tone of this communication has given them.

At the same time the directors must be permitted, with great respect, to state their regret that your Lordship should have deemed it proper to decide the matter at issue, so important to the interests of the Company, upon the letter of the printed agreement exclusively, with an absolute repudiation of all reference to conversations, assuredly of a public and official character, the substance and result of which that agreement was intended to embody and carry out, upon the faith of which large and expensive operations were immediately entered upon, and the tenor of which is vouched for, on behalf of the Company, by the concurrent testimony of so many gentlemen.

Having considered it due to themselves and the Company to say thus much with reference to past transactions, the directors will refrain from any repetition of the arguments by which they urged on your Lordship their application for 159,000 acres, on the terms of purchase guaranteed, in the first instance, by the agreement of November 1840. But they deem it essential to correct a misunderstanding of the stipulations entered into between the Company and the purchasers

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Lord Stanley,
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of land in their second settlement of Nelson, which appears to run through the whole of Mr. Hope's letter, under acknowledgment. It is assumed that, according to the plan upon which that settlement was formed, the Company, "having bought 200,000 acres for 50,000*l.*, sell them again at 300,000*l.*, covenanting, however, to make an outlay of half the price on emigration, and 50,000*l.* more in other public objects, leaving a balance in their favour of 100,000*l.*; or, in other words, giving them back the original price of the land, with cent. per cent. for expenses and profit." In a subsequent passage it is still more broadly stated, "that the Company makes cent. per cent. on their original investment of 50,000*l.*;" and this position is only qualified by an admission that it may be urged on behalf of the Company, that, "of the 50,000*l.* which has been assumed, over and above the return of the original purchase-money, for profit and expenses, the larger portion is absorbed in the latter, and that there is even granted to the settlers an indefinite pledge of the application of a contemplated surplus to public purposes in the settlement."

But if your Lordship will do me the favour to refer to the stipulations by which the Company bound itself to the colonists of Nelson, to carry into effect the foundation of that settlement, you will find that the whole purchase-money is divided into four parts, one of 150,000*l.*, and three of 50,000*l.* each; that the first sum is devoted exclusively to emigration, one sum of 50,000*l.* to public purposes in the settlement, the second to the expenses of choosing the site and establishing the settlement, with an absolute reversion of any surplus to the fund for public purposes, and the third only to the profit and general expenses of the Company, to neither of which can a fraction of the foregoing sums, under any circumstances, be applied. The matter, therefore, really stands thus:—When the whole of the lands which constitute the settlement of Nelson shall have been disposed of, the Company will have sold 200,000 acres at prime cost, namely, 50,000*l.*, under a stipulation that the purchasers shall pay, out of a fund formed by a voluntarily enhanced price, the expenses of selecting and establishing the settlement, leaving the Company to defray all its general charges, as well as to reap its own profit, and to cover all its risks, out of the sum of 50,000*l.* above mentioned.

After this plain statement of the real facts of the case, and begging that it may be borne in mind that the paid-up capital of the Company is 200,000*l.*, and the expenses of their establishments, &c., as stated in my former letter, 17,000*l.* per annum on the lowest calculation, exclusive of about 10,000*l.* for Nelson itself, the directors respectfully entreat your Lordship to consider whether, under this absolute limitation of possible pecuniary profit from the transaction, it is likely that men of ordinary prudence should have embarked in a scheme of so much labour, anxiety and responsibility as the formation of the settlement of Nelson, unless they had been entirely convinced that, under the agreement of the 18th November 1840, the Company would receive an additional compensation, in the shape of a grant from the Crown, of a quantity of land corresponding in number of acres, plus the stipulated discount, to the number of pounds sterling expended by them in emigration. Under no other expectations could the transaction have been regarded by the most sanguine as possibly remunerative. And of this, with its consequential inference as to the impression upon their minds at the time when the plan of the settlement was originally proposed to the public, the directors feel assured that your Lordship would be convinced, if you would form an estimate in your own mind of the exertions, and the expense of time, thought and anxiety, as well as of money, by which alone such a system of colonization as, your Lordship is pleased to admit, the Company has hitherto successfully conducted, can be carried into execution.

Your Lordship, after expressing "an earnest desire to satisfy any just claims of the New Zealand Company," and stating that you "cannot admit the claim which it puts forward to a grant of land equivalent to the full value of the amount which it is bound to expend in emigration," expresses your willingness "to undertake, on the part of the Government, that of the purchase-money of the first 100,000 acres to be bought by the Company of Her Majesty's Government, while one-half is applied to the purposes of emigration, the remaining half shall be expended on such public objects connected with the Nelson settlement as shall be agreed upon between the Company and Her Majesty's Government."

The directors are so anxious that the point in difference should be finally and amicably settled, that, notwithstanding their feeling that your Lordship's offer falls greatly short of their equitable rights under a fair construction of the agree-

ment of November 1840, they are well disposed to close with it generally. But, at the same time, they would hope that the amount of land conceded to them on the terms specified in the foregoing quotation, be extended to the quantity necessary to be in accordance with what appears to them to be your Lordship's own views of the grounds on which the Company may justly claim consideration at the hands of the Colonial Department. Care must also be taken that your Lordship's intentions with respect to the expenditure of a moiety of the purchase-money of 100,000 acres in public works shall be distinctly stated to be in unison with their present understanding of the proposal.

As regards the first point, the principle of that proposal appears to be that the New Zealand Company shall not lose any part of the real value of the land upon which the Nelson settlement is founded, in consequence of its having relied on the continuance in force of the stipulation in regard to the repayment in land of the whole expenses of emigration, and, therefore, having conceded terms more favourable to the purchasers of its land than it could otherwise have prudently made. Now, it is manifest that the 200,000 acres in question were worth, at the time, at least 100,000*l.* clear. The Company might certainly have sold them at the minimum price at which the Government sells land in New Zealand, namely, at 1*l.* per acre, with an undertaking to spend half the purchase-money in emigration. The land may, therefore, be considered as worth to the Company a clear 10*s.* an acre. It is true, that this price is double the rate at which the Company obtained the land; but this concession of land at 5*s.* per acre, in consideration of foregone expenditure, was no peculiar boon to the Company, but was granted to that body, in common with all other parties who had similarly acquired land by *bonâ fide* purchase from the natives, previously to the assertion of the sovereignty of the British Crown over New Zealand. There was no reason why the Company should not have been able to sell, and should not have sold, the 200,000 acres in question for 10*s.* per acre, as well as the Government or any other individual. Indeed, there is an obvious reason why, if the directors had thought fit thus to act, they might have found it much more easy to sell land at this rate than the Government. The Government sells land at a minimum price of 1*l.* per acre, with an undertaking to spend half of the purchase-money in emigration. But the purchaser from the Company at 10*s.* per acre would have derived exactly the same benefit from the immigration of labourers, as the purchaser from the Government at double that price, with the additional advantage of having 10*s.* per acre in his pocket, wherewith to outbid the other party in the competition for labour.

But, in forming the Nelson settlement, the directors relied confidently upon the stipulation in the agreement of November 1840, now under discussion, and they therefore sold the land at cost price, undertaking, moreover, to defray, out of that price of 5*s.* per acre, all the expenses of the Company essential to the conduct of its affairs in relation to the colony, but not immediately connected with the establishment of that particular settlement, including the whole cost of its home administration. It is manifest, therefore, that in consequence of this reliance, the Company will lose 50,000*l.* of the price which it might reasonably have expected to obtain for the land in the ordinary market of the colony, without reckoning all the expenses entailed upon it by the obligation under which it has come, to establish, and to a certain extent support, the community which it has been the means of bringing together,—expenses which would have been altogether saved, if the directors had sold its land indifferently to any purchaser at 10*s.* per acre, without having any connexion with him beyond the mere acts of sale and transfer.

The directors believe, as stated in a former passage of this letter, that it is your Lordship's wish to prevent this sacrifice, incurred by their reliance upon the agreement above cited. But this object will not be fully effected by allowing them, as proposed by your Lordship, to purchase 100,000 acres, with the condition that the whole of the purchase-money shall be restored to them for emigration and public works. The grant must be in *ready money*, to place the Company in the same position as it would have been in if it had sold the 200,000 acres of Nelson for 100,000*l.* clear. If it be intended to compensate the Company for this loss, the land to be acquired by them, on the terms proposed by your Lordship, ought to be worth 50,000*l.* in ready money.

But 100,000 acres conceded when the sale of land constituting Nelson shall have been completed, and the conditions of expenditure in emigration and public

works fulfilled, will not be worth 50,000*l.* in ready money. Though the value of land in New Zealand be admitted to be 10*s.* per acre, such a price could not be realised at once for such a quantity of land. The Company must either wait to get rid of it piecemeal as customers offered, undergoing, in the meanwhile, the expense of maintaining large establishments at home and abroad, or it must consent to a considerable discount in order to get rid of the whole at once; and this discount, in the judgment of the directors, could not be less than that of 20 per cent. allowed to the Company by the Government. Under this calculation of value, therefore, the Company will require 125,000 acres to make good its sacrifice of 50,000*l.*; and they respectfully submit that they ought, upon the principle which appears to have guided your Lordship's decision, to be permitted to purchase this amount of land, instead of 100,000 acres, on the terms proposed by your Lordship. This addition is necessary to make up the difference between the realised price of 100,000 acres at 10*s.* an acre, a price which the Company has foregone, and the value of 100,000 acres remaining to be sold. And even this concession will by no means be clear profit. It will, indeed, be over and above the repayment to the Company of the 50,000*l.* originally paid for the land constituting the settlement of Nelson; but it must be borne in mind that a considerable time has passed since the plan of that settlement was originally laid before the public, and that during that interval, at present, and prospectively, the Company has been, and must be, at very heavy annual charges for the efficient management at home and abroad of its large and complicated affairs.

With respect to the expenditure of one-half of the purchase-money of the land which your Lordship may finally agree to concede, "on such public objects connected with the Nelson settlement as shall be agreed upon between the Company and Her Majesty's Government," the directors beg to state, that such an application of the purchase-money would be perfectly satisfactory, if the public objects in question were specifically stated to be those to which the Company is pledged by its terms of sale to apply 100,000*l.* out of the 300,000*l.* for which it proposes to sell the settlement. Whether or not such purposes are those of primary importance to the settlement, whether the Company has agreed to them wisely or not, matters nothing,—because these are the purposes to which the Company has pledged itself to apply this portion of the money. The purchase-money of the land under your Lordship's proposal must be applied to these purposes, and to these alone, if the application of it to the public purposes of the settlement is to relieve the Company in the manner proposed. It seems to the directors, therefore, that instead of proposing to apply the money to "such public objects connected with the Nelson settlement as shall be agreed upon between the Company and Her Majesty's Government," it would be proper to say specifically, "to such of the public objects specified in the terms of purchase of the Nelson settlement, dated 15th February 1841, as shall be agreed upon between the Company and Her Majesty's Government."

Only one other point seems to demand specific notice. Your Lordship requires that the land conceded should be selected within twelve months of the date of the letter under acknowledgment, stating at the same time, that the expenditure on emigration, which is to constitute one-half of the purchase-money, "will be allowed for only in proportion to the amount which the Company shall from time to time prove, to the satisfaction of Her Majesty's Government, to have been laid out in defraying the expenses of emigration to that settlement (Nelson), in conformity with the conditions offered to the original settlers." But it might be positively injurious to the settlement, by overstocking the labour-market in relation to the capital necessary for its employment, to send out a large body of emigrants requisite to make good the moiety of the proposed purchase-money within the few months necessary, under the stipulation above cited, to admit of the land being selected within a year in so remote a colony; and it is still more obvious, that it would be injudicious in the extreme, even if possible, to make the necessary outlay on public objects within that brief term. At the same time, if such be your Lordship's wish, the directors could not, of course, object to selecting the land as required, leaving its eventual confirmation to them, in full property, contingent upon their fulfilment of the terms of payment.

The directors cannot conclude this letter without offering to your Lordship their acknowledgments of the generous spirit in which you have done justice to the objects of the Company, and to the manner in which they have been hitherto pursued; as well as their cordial thanks for the tenor of the instructions which

your

your Lordship proposes to issue to the Governor of New Zealand, in relation to the interests of the Company, and of the parties who have settled in that colony in connexion with it. They beg to assure your Lordship, that it is their sincere conviction that the interests of the Company, largely considered, are entirely identical with those of the community; and of their earnest desire to be permitted to become the instruments of effecting the largest possible measure of that public good which your Lordship is pleased to say, that "the Company acting within its appropriate limits, and cordially encouraged by the local governments, may and will accomplish." But the directors are satisfied that, under a wise system of relations with the Colonial Department in this country, combining effectual superintendence and control with countenance and support, the organization of the Company, and the means which it possesses of enlisting private enterprise and energy in realization of the general views of the authorities upon whom it devolves to lay down the principles of national colonization, qualify it to render far greater service to the public than it has ever yet done, or than your Lordship appears to contemplate in the passage quoted above from your letter under reply. A long practical acquaintance with the subject, both in regard to the formation of the nucleus of settlements at home and to their actual establishment abroad, has convinced the directors that neither the Government nor the most powerful Company can alone effect any considerable part, measured by the extent and value of the attainable whole, of that public advantage which the two, acting harmoniously in their respective spheres of action, might easily achieve. The directors are led by their anxiety to further the prosperity of New Zealand, and, encouraged by the tone of your Lordship's letter, frankly to state their readiness to place at your Lordship's disposal all the means that they possess to give the most immediate and effectual impetus to the advancement of the colony. In making this tender of their services to effect the great public objects in their contemplation, they desire it to be understood that they are quite willing to bring all the affairs and all the plans of the Company under your Lordship's cognizance; and that they are ready to give, on an intimation of your Lordship's wishes on the subject, the most unreserved explanation of the manner in which they believe that the views which they have stated in general terms may be carried out in practice and detail. They need scarcely add, that they would give their most attentive consideration to any suggestions for the most beneficial administration of the affairs of the Company with which your Lordship might honour them.

I have, &c.

(signed) *Joseph Somes*, Governor.

— No. 43. —

COPY of a LETTER from *G. W. Hope*, Esq. to *J. Somes*, Esq.

Sir,

Downing-street, 22 June 1842.

No. 43.

I AM directed by Lord Stanley to acknowledge the receipt of your letter of the 10th instant, written with reference to the intimation contained in mine of the 24th ultimo, of the extent to which his Lordship was prepared to meet the claim of the New Zealand Company for the appropriation to emigration of the whole amount which they may for the present expend in the purchase of land in that colony.

G. W. Hope, Esq.
to *J. Somes*, Esq.
22 June 1842.

It appears from your letter that the Company accept the offer made by Lord Stanley on the part of the Government, with three qualifications. That offer was, that of the purchase-money of the first 100,000 acres to be bought by the Company of Her Majesty's Government, while one-half is applied to the purposes of emigration, the remaining half shall be expended on such public objects connected with the Nelson settlement as shall be agreed on between the Company and Her Majesty's Government; and it was added, that those 100,000 acres must be taken in not more than two separate blocks, and subject to all the conditions as to size and figure to which the Company was subjected by the rules laid down in section 6, under head I. of the agreement which accompanied Mr. Vernon Smith's letter of the 18th November 1840; and further, that the selection of the land must be made within a twelvemonth from the date of my letter proposing the arrangement. The qualifications of this arrangement sought by the Company are—First.

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That it should be made to apply to the purchase of 125,000 acres, instead of 100,000 ; and this modification is urged on the ground that, had the Company sold their land on the same terms as the Government, instead of under the special conditions on which they did dispose of the lands, they would have realized 100,000*l.* in ready money, instead of obtaining it only in land liable to be held for some considerable time before it could be disposed of.

Lord Stanley had already given a full and attentive consideration to every circumstance of the case, and he directs me to state that he cannot accede to this proposal, nor concur in the argument on which it is founded.

The second modification proposed is, that, instead of arranging to apply the purchase-money to "such public objects connected with the Nelson settlement as shall be agreed upon between the Company and Her Majesty's Government," it would be proper to say specifically, "to such of the public objects specified in the terms of purchase of the Nelson settlement, dated 15th February 1841, as shall be agreed upon between the Company and Her Majesty's Government."

Lord Stanley will not object to admit distinctly, that the public works here referred to are to be the same as those which the Company had so agreed with their own purchasers to execute.

The third modification proposed relates to the time within which the selection of the land is to be made.

On this point Lord Stanley directs me to state, that he will not object to the course proposed by the Company, viz. that they shall select the land within the required time, leaving its eventual confirmation to them in full property contingent upon their fulfilment of the terms.

Lord Stanley reserves to himself, however, the right of requiring that the terms shall be complied with within a reasonable time, under penalty of the forfeiture of a proportionate amount of the land, which it would be obviously inexpedient to keep indefinitely under an unconfirmed agreement. On this point Lord Stanley does not anticipate any practical difficulty.

I have, &c.

(signed) *G. W. Hope.*

—No. 44.—

COPY of a LETTER from *J. Somes, Esq.* to Lord Stanley.

New Zealand House, Broad-street Buildings,
24 June 1842.

No. 44.
J. Somes, Esq. to
Lord Stanley,
24 June 1842.

My Lord,

I HAVE the honour to acknowledge the receipt of Mr. Under-secretary Hope's letter of the 22d instant, and to inform your Lordship in reply, that the directors of the New Zealand Company accept, with thanks, the terms offered by your Lordship for the purchase, by the Company, of 100,000 acres of land in that colony, in regard to the appropriation of the purchase-money and selection of the land, as explained in Mr. Hope's letter.

The directors will take an early opportunity of addressing your Lordship upon several points of detail, the settling of which appears necessary to the completion of this arrangement.

I have, &c.

(signed) *Joseph Somes.*

—No. 45.—

COPY of a LETTER from *J. Somes, Esq.* to Lord Stanley.

New Zealand House, Broad-street Buildings,
18 July 1842.

My Lord,

No. 45.
J. Somes, Esq. to
Lord Stanley,
18 July 1842.

YOUR Lordship was so good as to suggest to the deputation from the New Zealand Company who waited upon you on Monday last, that we should state succinctly the nature of the arrangement proposed by the Company for the sanction of Her Majesty's Government, with reference to the subject of the memorandum enclosed in my letter to your Lordship, dated the 2d instant.

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The directors of the New Zealand Company understand from what fell from your Lordship at the interview, that Her Majesty's Government is willing to accept, as the purchase-money of the 100,000 acres, a certain expenditure by the Company in emigration and public objects for the Nelson settlement. We also assume that the transaction is subject to the discount of 20 per cent. allowed the Company, by the terms of Lord John Russell's letter, dated 31st May 1841. In order, therefore, to entitle the Company to a grant of 100,000 acres, it will have to prove the due expenditure of 40,000*l.* in emigration to Nelson, and 40,000*l.* to the public objects, or some of them, expressed in the Nelson terms of purchase, dated 15th February 1841.

It, then, remains for your Lordship to decide within what time you will require the two sums of 40,000*l.* and 40,000*l.* to be expended, in order to give a character of unity to the transaction, and to bring it legitimately within the terms of the agreement between Her Majesty's Government and the Company, dated 18th November 1840. We beg to submit, in relation to the question of time, the following proposals:—

1st. AS TO THE EMIGRATION.—The Company's position as regards the emigration to Nelson is this: On the 1st of June last, it had disposed of 500 of the 1,000 allotments offered for sale in Nelson, at 300*l.* each, thereby realizing an emigration fund of 75,000*l.*, being one moiety of the purchase monies, according to the conditions of sale. Out of this fund, the Company had incurred liabilities for emigration, up to the 30th November 1841, of, as nearly as we can calculate, (the amount not having been finally adjusted by Mr. Pennington), about 30,000*l.*, which 30,000*l.* formed a part of the 40,000*l.*, for expending which we shall be entitled to the block of 50,000 acres granted by Lord John Russell, as expressed in Mr. Vernon Smith's letter, dated 4th June 1841, the remaining 10,000*l.* having been applied towards emigration to New Zealand in another direction. Between the 30th November 1841 and the present date, the Company has despatched to Nelson four emigrant ships, at the cost of about 9,300*l.*; estimating it at the rate of 20*l.* per head for a number equal to 465 adult steerage passengers who have been conveyed by those ships. It is our present intention to despatch five ships more during the current year, in which ships a number equal to 600 adults will probably be conveyed to the colony, at an expense of about 12,000*l.* So that our expenditure for emigration to Nelson during the current year may be estimated at about 21,300*l.*, being rather more than half of the 40,000*l.* which we shall be bound to expend. Now, if we were sure that the interests of the settlement would require the despatch of nine emigrant ships also in the year 1843, we might at once undertake to expend the 40,000*l.* in emigration within two years, but we are satisfied that it would be unwise for us to enter into any such pledge until we are more fully informed than we are at present, of the actually existing relations between labour and capital in the Nelson settlement. We must apportion our supply of labour to the degree of demand which may, from time to time, be reported to us to exist in the colony; and we feel assured that it is not your Lordship's desire to stimulate the influx of labourers into our settlements beyond the point to which, in our own judgment, it may be prudent to limit it. We wish, therefore, not to engage positively to send out any definite number of emigrant ships to Nelson in the course of the year 1843; but we trust that we may safely undertake to despatch fourteen emigrant ships between the present time and the end of 1844, in addition to the four ships already despatched this year; or, in other words, we do not anticipate any difficulty in expending 40,000*l.* upon emigration to Nelson within three years from the 1st of January 1842; and we beg to propose three years as the limited period for that expenditure accordingly.

2d. AS TO THE EXPENDITURE UPON PUBLIC WORKS.—I need not repeat here, as your Lordship so fully admitted their validity, the reasons submitted at our late interview, why it would be most undesirable, even if practicable, to make any very considerable part of that outlay, beyond what has been actually incurred, immediately. At the same time, the directors fully recognize the value of your Lordship's suggestion, that an expenditure upon roads, bridges, and the like, might be more directly conducive to the prosperity of an infant settlement, than the present establishment of a college. They shall consider it their duty to keep this suggestion in view, in order that, if possible, funds may be made available for the early construction of the most necessary roads; and as they shall issue instructions to this effect to their agent in the colony, which he may find it prac-

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ticable to carry into partial execution, without referring the matter back to them, they solicit your Lordship's sanction to this proposal: viz. that any expenditure which the Company may make upon roads, bridges, and the like, for the benefit of the settlement of Nelson, as proved to the satisfaction of the local government, may reckon towards the outlay of 40,000*l.* on public works, for the half-purchase of the 100,000 acres. For the rest, the directors would submit that they be allowed till the end of the year 1844 for the expenditure of the whole of that sum of 40,000*l.* in the manner required; and that whatever part of the same has not, by that time, been expended, shall then be invested in the hands of trustees, one to be named by the Colonial Department, and one by the Company, in order to secure its eventual appropriation to the stipulated purposes.

The directors have much pleasure in adopting your Lordship's suggestion, that as the land is to be selected in two blocks of 50,000 acres respectively, the payment for each shall be considered a separate transaction; the first 50,000 acres being made over to the Company in full property, when it shall have expended 20,000*l.* in emigration, and 20,000*l.* in public works; and the grant of the remaining moiety of the land being in like manner consummated upon the further appropriation of corresponding sums to the same objects; both blocks of land being selected within a year from the date of your Lordship's letter of the 24th of May last.

I have only to add the request, that if any circumstances now unforeseen should render it impracticable for the Company to make the stipulated outlay within the time which we now propose, the Company may be at liberty to apply to Her Majesty's Government hereafter for such extension of time as the nature of the case may then require.

I have, &c.

(signed) *Joseph Somes*, Governor.

—No. 46.—

COPY of a LETTER from *G. W. Hope*, Esq. to *J. Somes*, Esq.

No. 46.
G. W. Hope, Esq.
to *J. Somes*, Esq.
28 July 1842.

Sir,

Downing-street, 28 July 1842.

I AM directed by Lord Stanley to acknowledge the receipt of your letter of the 18th instant, in which you state the nature of the arrangement proposed by the New Zealand Company, for the sanction of Government, for the final adjustment of their claims.

1st. As to Emigration.—You state, that, having a regard to the probable demand for labouring emigrants, the Company do not wish to engage positively to send out any definite number of emigrant ships to Nelson in the course of the year 1843, but they trust that they may safely undertake to despatch fourteen emigrant ships between the present time and the end of 1844, in addition to the four ships already despatched this year; or in other words, they do not anticipate any difficulty in expending 40,000*l.* upon emigration to Nelson within three years from the 1st of January 1842; and they beg to propose three years as the limited period for that expenditure accordingly.

2d. As to the Expenditure upon Public Works.—You represent that it would be most undesirable, even if practicable, to make any very considerable part of that outlay, beyond what has been actually incurred, immediately. At the same time, you state, the directors fully recognise the value of Lord Stanley's suggestion, that an expenditure upon roads, bridges, and the like, might be more directly conducive to the prosperity of an infant settlement, than the present establishment of a college.

Keeping that suggestion in view, you propose that any expenditure which the Company may make upon roads, bridges, and the like, for the benefit of the settlement of Nelson, as proved to the satisfaction of the local government, may reckon towards the outlay of 40,000*l.* on public works for the half-purchase of the 100,000 acres. And further, that the Company be allowed till the end of the year 1844 for the expenditure of the whole of that sum of 40,000*l.* in the manner required, and that whatever part of the same has not by that time been expended shall then be invested in the hands of trustees, one to be named by the Colonial Department, and one by the Company, in order to secure its eventual appropriation to the stipulated purposes.

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In this communication the question raised for Lord Stanley's decision appears to be, within what time the expenditure of the two amounts of 40,000*l.* on emigration and public works respectively is to be completed; or in the case of that devoted to public works, at what time any unexpended balance is to be invested in the hands of trustees. His Lordship would prefer, that instead of fixing the end of 1844, as proposed by the Company, the period named for this purpose should be two years from the 1st of January 1842, with the reservation of a year of grace, if in the opinion of the Company and the Secretary of State circumstances should seem to justify or call for such an extension of time; or if so distant a period as the termination of 1844 is at once allowed to the Company for the completion of their undertakings, his Lordship would feel it impossible to hold out to you, as you also request the prospect of a further extension of time, either for making the stipulated outlay as regards both amounts of 40,000*l.*, or as regards the investment in the hands of trustees of any unexpended balance of that devoted to public works.

Lord Stanley observes, that as respects the expenditure on emigration, you have assumed that he will allow the Company to reckon under that head expenses incurred by them previously to the date of my letter of the 24th May last; and under all the circumstances, his Lordship will take no exception to this course, provided it be distinctly understood that the expenditure to be allowed for under the arrangement with Lord John Russell for a separate purchase of 50,000 acres must have been completed before the date at which any expenditure to be included under the present agreement commenced, and that in this, as in all other similar cases, no emigration is to reckon which is not certified by the Commissioners of Land and Emigration to have been conducted to their satisfaction. It can scarcely be necessary to add, that all the accounts are to be subject to the same strict investigation as in the case of other agreements between the Government and the New Zealand Company; and that every care is to be taken to distinguish broadly between expenditure falling within the terms of the present arrangement, and expenditure which is to be brought to account under any of the other subsisting agreements with the Company.

I have, &c.

(signed) *G. W. Hope.*

—No. 47.—

COPY of a LETTER from *J. Somes*, Esq. to Lord Stanley.

New Zealand House, Broad-street Buildings,

5 August 1842.

My Lord,

I HAVE the honour to acknowledge, on behalf of the directors of the New Zealand Company, the receipt of Mr. Under-secretary Hope's letter of the 28th ultimo, and to state in reply, that the Company thankfully accepts that alternative of the propositions offered by your Lordship, which provides that the period fixed for the expenditure of the two amounts of 40,000*l.* on emigration and public works respectively shall be two years from the 1st January 1842, with the reservation of a year of grace, if, in the opinion of the Company and of the Secretary of State, circumstances should seem to justify, or to call for, such an extension of time. The directors feel no present difficulty about the fulfilment of these terms, either as regards the supply of labour to the settlement, or the expenditure upon public works, (whether those expressly stipulated for in the terms of purchase, or roads, bridges, and the like), but such as may possibly arise from obvious considerations of policy and expediency with reference to the interests of the colony, which will be quite as clear to your Lordship's discernment as to them; and, therefore, they are persuaded that the Company is in no danger from leaving the arbitrament of the question of the year of grace in your Lordship's hands conjointly with their own.

I have, &c.

(signed) *Joseph Somes*, Governor.

No. 47.
J. Somes, Esq. to
Lord Stanley,
5 August 1842.

— No. 48.—

NEW
ZEALAND.COPY of a LETTER from *J. Somes, Esq.* to Lord *Stanley*.New Zealand House, Broad-street Buildings,
1 December 1841.No. 48.
J. Somes, Esq.
to Lord *Stanley*,
1 December 1841.

My Lord,

THE Court of Directors of the New Zealand Company requests me to communicate to your Lordship, that in pursuance of an arrangement lately entered into with the Bishop of New Zealand, it is the desire of the court to appropriate certain sums of money to religious and educational purposes, for the benefit of the settlers, and also of the natives in that colony.

These sums of money, and the purposes to which they are to be respectively applied, are specified in a letter addressed by the court to the Bishop, on the 30th ultimo, of which I beg to enclose herewith a copy for your Lordship's information.

I have, therefore, to express the hope of the court, that the payments thus proposed to be made by the New Zealand Company for the benefit of the colony, may receive Her Majesty's sanction, according to the terms of the Company's charter; and also, that Her Majesty's Government will be pleased to do the necessary acts to give validity to that part of the arrangement with the Bishop which relates to the lands reserved for the natives in the Company's settlements.

I have, &c.

(signed) *Joseph Somes, Governor.*

Enclosure in No. 48.

New Zealand House, Broad-street Buildings,
30 November 1841.

Encl. in No. 48.

My Lord,

By the desire of the Court of Directors of the New Zealand Company, I have the honour to address your Lordship on the subject of the conferences which you have recently held with a committee of the court.

The points to which I am instructed to advert are three: 1st, a provision for the immediate benefit of the natives in the Company's settlements; 2dly, a provision for supplying the spiritual wants of members of the Church of England in the settlements of Wellington, New Plymouth and Nelson; 3dly, the disposal, by the Company, of the fund which has been contributed by purchasers of land at Nelson, towards the establishment of a college for the settlers at that place.

With respect to the first point, I am desired to acquaint you, that the directors are ready, on certain conditions, to advance a sum, not exceeding 5,000*l.*, on mortgage of the native reserves in the Company's settlements. The object of this advance would be to place some funds at the disposal of a proper authority, for the immediate benefit of the natives; and the conditions on which the Company is ready to make the advance are, first, that, by some sufficient act of the Government, the property in the reserves shall be placed under efficient protection and management; and, secondly, that the Government shall undertake the responsibility of determining in what manner, for what purposes, and under whose control the funds derived from the native reserves shall be expended.

With respect to the second point, namely, a contribution by the Company towards the endowments of the Church of England in the settlements of Wellington, New Plymouth and Nelson, the court understands from your Lordship, that whatever value, now or hereafter, may be contributed, whether in money or land, by grant of the court, or by private subscriptions through the agency of members of the Company, will be met by a contribution of equivalent value, either in money or land, on the part of the Church, your Lordship stipulating, "that until it shall be in your power, as the organ of the Church, to contribute the whole value of its share in capital of land or money, yearly payments, at the rate of five per cent. on the capital, shall be deemed a contribution of equivalent value." In consideration of this most liberal offer from your Lordship, the court has resolved to grant immediately, for New Plymouth, 500*l.*; for Wellington, 2,000*l.*; and for Nelson, 5,000*l.*; and members of the court, who are members of the Church of England, have expressed their intention to exert themselves in raising private subscriptions, in money or land, to be added to the Company's contributions. The greater present amount of the contribution for Nelson is owing to the circumstance, that, as respects that settlement, the colonists themselves have placed a large and constantly increasing fund at the disposal of the Company for religious purposes; and that, in the cases of New Plymouth and Wellington, the subscription comes out of the Company's own funds.

In order to fulfil the obligations of the Company towards its settlements, it is indispensable that the respective funds, as separately contributed by the court for Wellington or Nelson or New Plymouth, should be kept perfectly distinct, and separately applied in the settlement named for each.

The only other condition which the directors think it necessary to attach to the contributions made by or through them, is, that the capital of each of the funds shall eventually be
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laid out on landed security, whether by purchase or mortgage, within the settlement to which each fund belongs, and that no land contributed by or through them shall be permanently alienated: the object being to constitute a permanent and local property continually increasing in value with the progress of colonization.

The directors understand that the three several funds will be held for the purposes before designated by one set of trustees; and that your Lordship proposes to solicit Lord Devon and Archdeacon Hale to become the trustees in England. The directors, on their part, beg leave to propose that Dr. Hinds may be requested to become a trustee also. In making this suggestion, they only seize an opportunity of expressing, however inadequately, their sense of the obligations of the first colonizers of New Zealand to Dr. Hinds, as the author and indefatigable promoter of the measures by which the members of the Church of England, in a perfectly new settlement at the antipodes, have all at once obtained a complete organization of their church.

With respect to the third point, a contribution by the Company towards the foundation of a college for the settlers at Nelson, I am desired to inform your Lordship that in this matter the Company is but a trustee for those settlers, by whom the sum at present in hand (£7,500*l.*) has been contributed for the specific purpose of establishing a college. The directors, thus acting as trustees, are unwilling to make any disposal of the fund in question without the consent of the settlers. They propose, therefore, as soon as the fund shall reach its maximum (15,000 *l.*) or sooner, if the settlers should sooner obtain a municipal corporate capacity, to place the college fund at the disposal of those to whom it really belongs. I am directed, however, to write to Captain Wakefield, the Company's chief agent at Nelson, instructing him to make the settlers aware of the warm interest which your Lordship takes in the prospect of establishing the means of a superior education in the settlement, and to express to them the hope of the court that they may obtain your most valuable assistance in carrying it into effect.

The directors consider it their duty to state to your Lordship, that while they have the greatest satisfaction at being able to contribute without delay to the endowment of the Church of England in New Zealand, they are under engagement to afford similar assistance, under similar circumstances, to bodies of settlers of every religious denomination. They know that their power to contribute at all for religious purposes is essentially owing to their having adopted this rule at the outset of the proceedings of the Company.

In consequence of certain conditions in the Company's charter, it will be requisite to obtain the sanction of Her Majesty's Government to the contemplated application of funds at the disposal of the directors. For this purpose they will transmit to the Secretary of State a copy of this letter, with a request that his Lordship will be pleased to consider its contents, and to favour them with his opinion thereon at his earliest convenience.

The Right Rev. the Lord Bishop
of New Zealand,
&c. &c. &c.

I have, &c.
(signed) *John Ward*, Secretary.

— No. 49. —

COPY of a LETTER from *G. W. Hope*, Esq. to *J. Somes*, Esq.

Sir,

Downing-street, 30 March 1842.

No. 49.

I AM directed by Lord Stanley to acknowledge the receipt of your letter of the 1st December 1841, on the subject of certain arrangements made between the New Zealand Company and the Bishop of New Zealand. From the enclosure to that letter it appears that the Company proposed to the Bishop "to advance a sum not exceeding 5,000*l.* on mortgage of the native reserves in the Company's settlements;" and Lord Stanley is requested to advise Her Majesty to sanction this arrangement. His Lordship, however, regrets that the terms of it are not specified with sufficient fulness to enable him to offer an opinion on the subject, and directs me to remind you, that you omit to state to whom the money is to be paid; who is to make himself responsible for the payment, either of the principal or of the interest; what are to be the consequences of the non-payment; how the proposed loan is to be expended, or to whom and in what manner that expenditure is to be accounted for.

The second proposal is, that a contribution should be made by the Company towards the endowments of the Church of England in the settlements of Wellington, New Plymouth and Nelson. To this proposal Lord Stanley would not object if the Bishop himself should concur in it, and if the endowment should be fettered by no objectionable conditions. At the same time his Lordship has to add, that the information which he possesses of the comparative claims or the actual condition of these settlements is not sufficiently precise to enable him to form any judgment as to the merits of the proposed distribution of the sum intended to be appropriated.

The third proposal is, that the Company should contribute towards the foundation

G. W. Hope, Esq.
to *J. Somes*, Esq.
30 March 1842.

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dation of a college for the settlers at Nelson. The reasons stated, as relating to the second proposition, apply more strongly to the present; and unless the Company are possessed of much more ample information than he imagines, he cannot but consider the discussion of the question as premature.

In explanation of the long delay which has occurred in replying to your letter, I am directed by Lord Stanley to state, that, having been received previous to the interview appointed to take place at this office on the 11th of January, between yourself and other directors of the Company and Lord Stanley, on the subject of your letter of the 3d December, bringing under his Lordship's notice the general relations of the New Zealand Company with the Government, the reply was purposely delayed until that interview should have taken place; and that as the result of the interview was the expression of a wish on the part of yourself and the other directors of the Company, assented to by Lord Stanley, that your letter of the 3d December should be considered as withdrawn, for the purpose of enabling you to substitute another, the answer to yours of 1st December was delayed in expectation of the receipt of such a letter, until I was informed a short time ago verbally, by Mr. Mangles, that a reply was wished for immediately.

I have, &c.

(signed) *G. W. Hope.*

— No. 50. —

COPY of a LETTER from *J. Somes*, Esq. to Lord *Stanley*.

New Zealand House, Broad-street Buildings,
21 April 1842.

My Lord,

No. 50.
J. Somes, Esq.
to Lord *Stanley*,
21 April 1842.

I HAVE the honour to acknowledge the receipt of Mr. Under-secretary Hope's letter of the 30th ultimo, and to submit for your Lordship's consideration the following explanations of the propositions conveyed by my letter of the 1st December last, in regard to the points indicated by Mr. Hope as requiring to be cleared up.

As respects the offer of the New Zealand Company "to advance a sum not exceeding 5,000*l.* on mortgage of the native reserves in the Company's settlements," your Lordship will observe that the directors made it a condition of that loan, first, "that by some sufficient act of the Government the property in the reserves should be placed under efficient protection and management; and, secondly, that the Government should undertake the responsibility of determining in what manner, for what purposes, and under whose control the funds derived from the native reserves should be expended."

This proposal, in connexion with these stipulations, was made on the application, and in compliance with the suggestion, of the Bishop, who undertook to make known to your Lordship our views in regard to the formation of a local board of management, composed of such high official personages in New Zealand as might, from motives of benevolence, be willing to undertake such a trust. It was to the security which such a body would give for the attainment of the important objects in view that the directors looked, instead of to any technical responsibility for the safety of the funds which they expressed themselves willing to advance. The Government having now formally taken the aborigines under their own superintendence, and appointed special officers for the management of their interests, the Company can do no more, in compliance with their engagements with the public or with the Bishop, than lay before the Government their readiness to advance the sum of 5,000*l.* whenever the Government shall have completed satisfactory arrangements for the application of the sum. The Company deeply regret that technical difficulties or want of sufficient information preclude the Government from availing itself of their offer. They have only to add, that the money remains in their hands, and that whenever the Government shall have been enabled to come to a decision on the arrangements proposed in our letter of the 1st December, or have matured others more calculated to promote the object in view, they will have the greatest satisfaction in handing over the money to its destined purpose.

With respect to the second proposal, "that a contribution should be made by the Company towards the endowment of the Church of England in the settlements of Wellington, New Plymouth and Nelson," I have the honour to inform your Lordship,

Lordship, that the Bishop has expressed his concurrence in this offer, which, indeed, was made in immediate communication with his Lordship; and that all the conditions which the court is inclined to impose are contained in its letter to the Bishop, which has been submitted to your Lordship. I beg leave to explain, that the grant in the case of Nelson being made out of the funds subscribed by the colonists themselves for religious purposes, and not from the stock of the Company, as in the case of Wellington and New Plymouth, your Lordship's sanction is solicited in the two latter instances only.

This explanation is also applicable to the third proposal, relative to the endowment of a college at Nelson. The Company is merely a trustee of the funds which it is proposed to apply to that object; and the specific approval of the Crown is only asked in respect of those disbursements which, under its charter, the Company is not competent to make without such sanction. This point was alluded to in the last paragraph of my letter to the Bishop; but it ought, perhaps, to have been more distinctly stated in my letter to your Lordship of the 1st December, the object of which was, to bring at one view under your notice, the grants which the Company desired, and still desires, to make for the various purposes mentioned.

I have, &c.

(signed) *Joseph Somes*, Governor.

— No. 51. —

COPY of a LETTER from *G. W. Hope*, Esq. to *J. Somes*, Esq.

Sir,

Downing-street, 29 April 1842.

No. 51.

I HAVE laid before Lord Stanley your letter of the 21st instant, in which you submit, on the part of the New Zealand Company, some further explanations on the subject of the arrangements entered into by the Company with the Bishop of New Zealand, and brought under his Lordship's consideration by your previous communication of the 1st of December last.

G. W. Hope, Esq.
to *J. Somes*, Esq.
29 April 1842.

On the subject of the offer of the Company to advance a sum not exceeding 5,000 *l.*, on mortgage of the native reserves in the Company's settlements, Lord Stanley directs me to acquaint you, that he will be happy to communicate with the local government of New Zealand; and, for that purpose, his Lordship would request to be informed of the rate of interest which it is proposed to charge, and also the mode in which it is proposed that the payment, either of principal or interest, should be secured, if at all, otherwise than by the power of foreclosing.

With respect to the application of the two sums of 2,000 *l.* and of 500 *l.* for religious purposes at Wellington and New Plymouth, Lord Stanley will be prepared to sanction whatever mode of applying those sums may meet with the approval of the Bishop of New Zealand.

Lord Stanley directs me to add, that, after the explanation now given respecting the application of 5,000 *l.* for the endowment of the Church of England, and of 15,000 *l.* for the foundation of a college at Nelson, his Lordship does not, of course, consider it necessary to offer any observations on those subjects.

I am, &c.

(signed) *G. W. Hope*.

— No. 52. —

COPY of a LETTER from *J. Somes*, Esq. to Lord Stanley.

New Zealand House, Broad-street Buildings,

12 May 1842.

My Lord,

I HAVE the honour, on behalf of the directors of the New Zealand Company, to acknowledge the receipt of Mr. Under-secretary Hope's letter of the 29th ultimo, on the subject of the arrangements entered into by the Company with the Bishop of New Zealand, and to submit as follows in reply:—

No. 52.
J. Somes, Esq. to
Lord Stanley,
12 May 1842.

In answer to your Lordship's call for further information respecting the offer of the Company to advance a sum not exceeding 5,000 *l.* on mortgage of the native reserves in the Company's settlements, I beg to state that the directors

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will be satisfied with the lowest rate of interest obtaining in those settlements at the time that such advance may be made, upon loans on the most eligible security of landed property; and they do not desire that the payment, either of principal or interest, should be secured to them otherwise than by a power of sale, added to the ordinary power of foreclosure. At the same time, I beg permission respectfully to direct your Lordship's attention to paragraphs 2 and 3 of my letter of the 21st ultimo, referring to paragraph 3 of our secretary's letter to the Bishop, dated 30th November last, a copy of which was forwarded to the Colonial Office on the following day; for the directors deem it essential to the attainment of the important objects in regard to the native population, which alone induced them to offer the advance, the terms of which are now under discussion, that the principal superintendence and control, both of the reserves and of the funds necessary for their immediate improvement, should be placed in such hands as will secure them, at least, from all hazard of wilful mismanagement or neglect. They studiously impressed this point upon the Bishop, in their several conferences with his Lordship, who cordially expressed his willingness to afford his best services, in conjunction with other high functionaries of the local government, as a member of such a board of superintendence as it might be found practicable to form for carrying out the benevolent object in contemplation; and your Lordship will find a corresponding assent briefly expressed in his Lordship's letter to our secretary, dated 2d December last, a copy of which is attached.

The directors deem it right to add frankly, though with great respect, that they are not satisfied, as far as their present information enables them to judge of it, with the arrangement which his Excellency Governor Hobson appears to have made for the protection and management of the native reserves at Wellington; and that they are of opinion, that without better security for the efficient discharge of the important duties attaching to the superintendence of the native reserves, and the measures requisite for their improvement, than that arrangement seems to hold out, they should not be warranted in making any advance of the Company's funds for the purposes stated.

In the event of the arrangement being brought to bear, upon the conditions stated in their secretary's letter to the Bishop above cited, the directors are willing to make the loan for the term of five years.

With reference to your Lordship's expression of willingness to sanction the application of the two sums of 2,000*l.* and 500*l.*, proposed to be granted by the Company for religious purposes at Wellington and New Plymouth, in whatever mode may meet with the approval of the Bishop of New Zealand, I beg to refer your Lordship to the copy of the Bishop's letter of the 2d December submitted herewith, which, when read in connexion with our secretary's letter of the 30th November, will show that his Lordship's sentiments in respect to the disposal of the sums in question have already been fully declared.

I have, &c.

(signed) *Joseph Somes*, Governor.

Enclosure in No. 52.

Encl. in No. 52.

Sir,

Richmond, Surrey, 2 December 1841.

MAY I request you to lay before the Board of Directors of the New Zealand Company the following answer to their communication of the 30th November:—

I.—With reference to the proposed provision for the immediate benefit of the natives in the Company's settlements, I have expressed to Her Majesty's Government my cordial approbation of the plan submitted to the Colonial Secretary by the Board of Directors; and my willingness to assist in carrying it into effect.

II.—On the second point, viz., the endowment of the Church of England, I am prepared to meet the directors, on the conditions specified in my conferences, with a deputation of their body, viz.:

1. In the settlement of Nelson I shall be prepared to station a clergyman, and to provide him with an income of not less than 250*l.* per annum, out of the funds placed at my disposal by the Church at home, reserving the 5,000*l.* granted by the Company as a fund for building churches, parsonage-houses and schools, and in general for the extension of the Church throughout the settlement of Nelson, in proportion to the increase of population.

It will be my object to redeem, as soon as possible, the annual payment of 250*l.* by raising a clear sum of 5,000*l.*, which I shall take the earliest opportunity of investing, together with the Company's grant, in landed securities, within the settlement of Nelson.

2. With

2. With reference to the settlements of Wellington and New Plymouth, it will give me great pleasure to pursue the same plan; and in the meantime, while the sum still required for the permanent endowment of the Church in those settlements is being raised, I will endeavour to make such provisional arrangements as may be calculated to promote the spiritual interests of the settlers; while at the same time I shall consider myself bound by the present amount of the Company's grant for Wellington and New Plymouth, to provide an annual income of 125*£*. towards the maintenance of clergymen in those settlements. I may here add, that it is my earnest wish to be enabled, as early as possible, to create an archdeaconry, according to the powers vested in me by my letters patent, for the effectual superintendence of the affairs of the Church within the settlements of Wellington and New Plymouth, and that I have received offers of assistance from my friends for this specific purpose, which induce me to hope that I should be able to meet any advances on the part of the Company with a full equivalent on the part of the Church. In saying this, I wish to be understood to desire the permanent residence of a clergyman of high character and station within the Company's territories; expressing at the same time my own determination to devote as much of my time and attention to that portion of my diocese as may be consistent with strict justice to the interests of the remainder.

The addition of the name of Dr. Hinds to those of Archdeacon Hale and the Earl of Devon, as trustees of the separate Church funds for the Company's settlements, is entirely in accordance with my feelings of gratitude to him for his services to the Church in New Zealand. I will take care to advise with them from time to time on the best mode of converting the funded property into landed securities within the settlements to which the funds respectively belong.

III.—On the subject of the college to be established at Nelson, I can only say at present, in general terms, that I shall be ready to give my advice on all occasions to the persons to whom the organization of the system of instruction will be intrusted, and shall be truly thankful if the plan adopted for the institution shall be such as will allow me conscientiously to incorporate myself with the Board of Directors, and give my unqualified support to the undertaking.

The legal questions involved in the above arrangements shall be made the subject of inquiry; and for this purpose I will procure the opinion of some of the highest authorities in the profession.

I beg you, in conclusion, to convey to the Board of Directors my sense of the cordial and friendly manner in which they have conducted their negotiations with me; and to express my earnest desire to carry out in full the spirit of the new system of colonization, as I may truly call it, which has been adopted in New Zealand.

I have, &c.

John Ward, Esq.

(signed) *G. A. N. Zealand.*

— No. 53. —

COPY of a LETTER from *G. W. Hope*, Esq. to *J. Somes*, Esq.

Sir,

Downing-street, 7 June 1842.

I AM directed by Lord Stanley to acknowledge the receipt of your letter of the 12th ult., and to acquaint you in reply, that his Lordship will now transmit copies of the whole correspondence to which it has reference to the Governor of New Zealand. With respect to the proposal of the New Zealand Company to advance a sum not exceeding 5,000*£*. on mortgage of the native reserves in the Company's settlements, as a provision for the immediate benefit of the natives, Lord Stanley will intimate to the Governor his concurrence in the principle of the arrangement, and will at the same time call for his opinion as to the propriety of carrying it into execution, together with a specific plan for such an arrangement, should he approve of it. With regard to the application by the Company of the two sums of 2,000*£*. and 500*£*. towards the endowment of the Church of England at Wellington and New Plymouth, Lord Stanley has also received a communication from the Society for the Propagation of the Gospel, to the same effect as that from yourself, together with a letter in original from the Bishop of New Zealand to Dr. Hinds, of 4 December 1841, naming the Earl of Devon, Archdeacon Hale and Dr. Hinds trustees of the above-mentioned sums; and his Lordship has therefore directed me to intimate his sanction for the payment of them to those gentlemen in that character.

I am, &c.

(signed) *G. W. Hope.*

No. 53.
G. W. Hope, Esq.
to *J. Somes*, Esq.
7 June 1842.

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— No. 54. —

COPY of a LETTER from *G. W. Hope*, Esq. to the Rev. *A. M. Campbell*.

Sir,

Downing-street, 7 June 1842.

No. 54.
G. W. Hope, Esq.
to the Rev. *A. M.*
Campbell,
7 June 1842.

I HAVE laid before Lord Stanley your letter of the 23d ult.; and I am directed to acquaint you in reply, that his Lordship has expressed to the New Zealand Company his sanction for the payment of the sums of 2,000*l.* and 500*l.* for the object specified to the trustees proposed by the Bishop of New Zealand, his Lordship having been assured by the evidence contained in the original letter of 4 December 1841, from the Bishop to Dr. Hinds, which accompanied Mr. Dalton's note of the 31st ult., that the Earl of Devon, Archdeacon Hale and Dr. Hinds had been nominated by him trustees of the fund in question.

I am, &c.

(signed) *G. W. Hope*.

— No. 55. —

COPY of a LETTER from Messrs. *Roy, Blunt, Duncan & Co.* to Lord Stanley.

19, Great George-street, Westminster,
20 Sept. 1841.

No. 55.
Messrs. *Roy*,
Blunt, Duncan
& Co. to Lord
Stanley,
20 Sept. 1841.

My Lord,

WE have been instructed, on behalf of several settlers at Auckland, in New Zealand, and parties possessing property in its neighbourhood, to represent to your Lordship the deep injury they, and the colony of New Zealand in general, will sustain by any attempt to remove the capital of the colony from Auckland to Port Nicholson.

They are perfectly aware that the parties interested in Port Nicholson must feel anxious to remove the seat of government to that spot, and that they are striving with every means to effect that object; and but for the extraordinary influence of those parties, and the vigilance and zeal with which they push their individual interests, the persons whom we represent would feel satisfied that the British Government at home, and ignorant of localities, would never accede to their views in opposition to the choice Governor Hobson has made deliberately on the spot, after full investigation. But should the New Zealand Company have impressed your Lordship with the opinion that Governor Hobson may have done wrong in his choice, and that your Lordship should pause in confirming it, we trust that your Lordship will, if opening the subject at all, allow it to be turned up in the most complete manner; and if Government shall, upon such a thorough investigation (hearing fairly all parties), re-consider the question of the best situation for the capital, we unhesitatingly aver that they must arrive at the same conclusion as Governor Hobson has done; viz., that Auckland possesses every requisite in locality for the capital, and Port Nicholson scarcely one.

We admit the great objects and vigorous acts of the New Zealand Company, reflecting upon them the greatest credit, and entitling them to every fair support of Government in their operations. But we apprehend that, to view the subject fairly, and to come to a right conclusion, is for the Government to consider, quite apart from all private individuals or companies, which place would have been chosen by a Governor if there were no British settlement at all on the islands, but only the natives dwelling at different parts; and if the result of such investigation would lead to the choice of Auckland, then it is to be determined whether the single circumstance of a large population of British settlers at Port Nicholson should alter the choice of the best spot for the permanent future capital of an island which, in all probability, may ere long be covered with population throughout its whole extent.

We presume that it will be admitted that the requisites of the capital of New Zealand should be,—

- 1st. A good port, accessible and safe in all winds.
- 2d. This port to be the outlet to the sea, in large bottoms, of the largest agricultural districts.
- 3d. To be able to communicate speedily with all parts of both islands, more especially of the Northern island.

4th. Good

4th. Good water, and healthy and agreeable climate, and suited for the production of the necessaries of life, and of the staple products of the colony, likely to constitute its chief trade.

Under each of the above heads, we shall proceed, for your Lordship's information, having reference to the map, to contrast the position of the two spots, Auckland and Port Nicholson.

1st. As to being a good port.

Auckland is an isthmus of land about two miles broad, having on the east side the bay of Waitemata, one of the best harbours in New Zealand, and on the west side the bay of Manakon, which is likewise a very good harbour. It has thus the extraordinary and uncommon advantage of having two ports, communicating with opposite coasts. Vessels of the largest size can enter either harbour, and lay in safety. In Waitemata harbour the water is deep close in shore, and there are great facilities for forming wharfs, docks, &c. The entrance of the Waitemata being perfectly sheltered by the islands in the Frith of the Thames, ships can enter or leave the port with any wind. The same cannot be altogether said of Manakon, as vessels could not get in with a south-easterly wind, which, however, rarely blows at this part of the island; going out of that harbour the difficulty never would be great. In every other respect the harbour of Manakon is excellent, and is exactly opposite, in a straight line, to Sydney.

Port Nicholson as a port.

The harbour is very fine unquestionably, when a ship is inside it, and good and safe anchorage, but it is most difficult of access, owing to the perpetual violent winds that always rush directly through Cook's Straits, from the south-east or north-west, which are the constant alternate winds in Cook's Straits; and from this cause, vessels are delayed several days before they can make or leave the port. It is not alleged that there is danger in this, but merely such a delay as is a serious drawback to shipping generally, when comparing the position of Port Nicholson with Auckland, especially in reference to coasting voyages. From the great extent of the bay, and the general violence of the winds, the bay is dangerous for boats, and it will be very difficult, if not impossible, to form wharfs or docks.

2d. As to communication with agricultural districts.

Auckland is placed to receive the agricultural produce of the extensive and fertile districts to the south, by means of the great rivers which diverge from this point.

On the south-east it has the valleys of the Thames and Piako, which are admitted to be the finest and largest agricultural districts in the island, and capable of growing every kind of colonial produce.

Also, on the south, the bay of Manakon, and a portage under two miles in length, connect Auckland with the great river Waikato; and the whole produce of the districts on both sides of that river extending up to the lake Tappo, and with the districts of fine agricultural land surrounding that lake. The Waikato river runs into the sea to the south of Manakon Bay, but the bar at the mouth of that river is impassable, except for very small vessels. The Waikato is 140 miles in length, and can be navigated by a steamer to within two miles of lake Tappo. To join Manakon Bay with the Waikato by a canal will always be easy of accomplishment, and would be a work of trifling expense, as the ground is flat and alluvial, and the distance is only 2,300 yards.

The lands in these agricultural districts are clear and ready for the plough, and can be brought into cultivation at a slight expense, and promise to be most fertile.

Port Nicholson is singularly defective in reference to its communication with agricultural districts. It has no river; the Hutt is called a river, but is only a streamlet, and not navigable; nor has it any available agricultural land in its neighbourhood, except the valley of the Hutt, which is admitted by the New Zealand Company to contain not more than 25,000 acres; and this land is so densely covered with timber, for the most part worthless, that one of the most intelligent colonists estimates the cost of clearing it at 40 *l.* an acre. The district of Taranaki, which also belongs to the New Zealand Company, is a fine agricultural district; but it is distant about 100 miles from Port Nicholson, and is easier approached from Auckland by means of the river Waikato, and Lake Tappo, and

river Wanganui, than from Port Nicholson. A road is spoken of, to be made along the coast from Port Nicholson to Taranaki; but it would be far beyond the means of the new colony, having to cross several streams, and to be cut through a large extent of mountainous and rocky country. With the exception of the valley of the Hutt and a few small detached valleys adjoining, the whole of the rest of the land surrounding Port Nicholson is steep and mountainous, and totally unfit for agricultural purposes, and this mountainous land shuts out Port Nicholson from all inland communication with the great agricultural districts to the south of Port Nicholson, but many miles from it.

3d. Accessibility of the proposed capital.

This question has to be considered in reference to the probable circumstances which will happen in the shape of colonization and to the facts existing.

The Northern island is the only one inhabited, and the Southern island is not likely to be so for many years, as it is very mountainous, and there are no rivers; therefore, the chief point to consider is the accessibility of the capital to all parts of the Northern island. In the present state of the colony, and which must continue for many years, water carriage will be the only available mode of communication between distant parts. It is sufficient to say, that the slightest glance at the map will show that Auckland is as nearly as possible the centre of the island. This ought almost alone to settle the question of the superiority of Auckland to Port Nicholson; but it will be proper to view the subject closer, and to contrast the position of each place in reference to—

1. Coast accessibility.
2. Internal communications.

1. As to Auckland's Coast accessibility.

Northward, by the sea to the East Auckland, is in close communication with all the well-known valuable timber harbours of Kaihoro, Wangarei, Tutukaka, Wangaroa, &c., and with various important agricultural districts which extend into the country from the mouths of the rivers along the east coast to the north of Auckland. Auckland is also within a very short voyage of the Bay of Islands, which always has been and remains the greatest resort of whaling vessels, and is the chief place of trade in the island.

Northward, to the west from Manakau Bay, the harbours of Kaipara and Hokianga, being the only harbours on that coast, are easily reached from Auckland.

Proceeding southward from Auckland along the east coast, there are within a short distance of it the timber harbours of Coromandel and Mercury Bay, and the various small ports in the extensive bay of Plenty, which would be the outlets of the produce to be grown on the fertile lands along the coasts of that bay, and also as far south as Poverty Bay, which likewise adjoins a fine agricultural district.

The land farther south from that point down to Port Nicholson is steep, barren, unproductive and uninhabited, even by the natives.

Southward, on the west coast, between Auckland and Cape Egmont, there is easy access from the harbour of Manakau, with the bays and harbours of Waikato, Wangaroa, Aotia, Kawia, Mokou, and the roadstead of Tainaki, under the Sugar Loaf Islands.

These harbours are all bar harbours, and, therefore, are only navigable for small coasting vessels, which must necessarily come to Auckland's west harbour of Port Manakau with their cargoes, in order to obtain larger bottoms for exportation.

From Cape Egmont to Port Nicholson, with the exception of the Tainaki district, which is really far nearer by sea to Auckland than to Port Nicholson, the land is generally barren, and not capable of cultivation, except the detached valleys at and near the streams, and these valleys will necessarily send their produce to Port Nicholson, and take their supplies from thence.

2. Internal communication.

It has already been stated how Auckland, from its east harbour of Waitemata, is, by the river Thames, Piako and Waikato to the southward, connected with all the interior agricultural districts of the south as far almost as these districts extend.

extend. To the northward, by crossing a short flat of a few miles from Auckland over to the Kiapara river, a navigable course is obtained up the river Otamata, and also up the great river Wairoa, which is navigable upwards of 140 miles. Thus, in point of coast accessibility and internal communications (being without roads), the position of Auckland is positively a matter of wonder and admiration, and probably has not its equal in the world.

But as to Port Nicholson, in reference to coast accessibility, the only coast navigation which may be said to be more accessible to it than to Auckland, is the east coast extending from Port Nicholson to the Bay of Poverty, which, as before stated, is all barren; and the west coast, extending from Port Nicholson as far as the Wanganui river, which coast presents nothing of any character or importance. As regards internal communication, there is literally none at Port Nicholson, as the port is blocked in on all sides by enormous and precipitous mountains, and is not connected with a single navigable river, nor is there any such river within 100 miles of that port.

As regards the South island, it is of trifling importance at present to consider the accessibility of either place, Auckland or Port Nicholson with it, but it is quite certain that Port Nicholson is more accessible to Banks's Peninsula and all parts of the east coast of the Southern islands, while, in consequence of the strong winds always blowing in Cook's Straits, Auckland is more accessible than Port Nicholson to all parts of the west coast of the South island.

4th. Climate, &c. Auckland.

The position of Auckland cannot be surpassed by any in the island for excellence of climate, wholesome, healthy air, and good water; and the climate is peculiarly suitable for the growth of flax and wheat; these articles and Kowdie timber will form the staple commodities of the colony; and the districts near to Auckland alone furnish the celebrated Kowdie timber for masts and spars, of which timber there is none at or near Port Nicholson. Flax and wheat will be obtainable, no doubt, from the small agricultural districts in the neighbourhood of Port Nicholson, but not approaching probably to one hundredth part of the quantities which will and must make Auckland their port of shipment to Australia, the East Indies, and Great Britain.

The violent winds almost daily blowing at Port Nicholson must necessarily make agricultural operations, especially in the growing of wheat, uncertain, and this is an injurious circumstance, in respect to the climate at Port Nicholson, not existing at Auckland. That violent winds are painfully prevalent at Port Nicholson is an undoubted fact, and all parties returning from it have certified to their strength being such, that it is unsafe to build houses of more than one story high.

Under all these circumstances, which are capable of complete verification, we trust your Lordship will feel satisfied that you will be doing a deep injury to the colony and to Great Britain, by attempting to alter Governor Hobson's judicious choice of the position of the future capital of New Zealand.

True it is that the New Zealand Company have taken out to Port Nicholson a large body of settlers, and if the question was, not from what place is the whole colony to be governed, but from what place are the settlers to be governed, Port Nicholson would be the spot.

But the British Government must feel, that not having yet sold an acre of land in New Zealand, that when the Crown lands shall be offered for sale, the colony will greatly increase in numbers, and the best districts will be chosen for the money that is to be paid.

In this event, a few years may see the settlers of Port Nicholson greatly outnumbered by settlers at Auckland, or other parts of the North island, and not one but several towns rising into existence, especially on the banks of some of the great rivers before mentioned.

It surely, then, is the duty of the Government, which Parliament will enforce, that, disregarding the representations of all interested parties, the best spot should be chosen for the position of a capital which is to endure for ages, and which is to be the seat of Government, not of one large body of British settlers, but of the whole colony, inhabited in all its parts by many British settlers, and by a large body of natives, amongst whom more properly, looking at the importance of introducing amongst them civilization and habits of industry and labour, should the capital be placed, rather than amongst British settlers, bringing with

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them education and habits which enable them to perform all the duties of a peaceable and well-ordered community, without much interference from a governing power.

In reference to the spread of the doctrines and discipline of the Church of England throughout the colony, and of religious education based on those doctrines, and given to the children, not only of British settlers, but also of the natives, nothing can so materially aid as placing a Bishop on the island as proposed, whose visitations might be frequent, and whose exertions might be unceasing for raising the religious character of the whole island.

But to place a Bishop at Port Nicholson would be to reduce him to the mere usefulness of a parish clergyman, unless he were to be subjected to the annoyance of numerous and dangerous long sea voyages every year. It would be impossible for him to make a visitation from Port Nicholson, either to the east or the west coast, without long and uncomfortable and perhaps dangerous sea voyages; whereas at Auckland he could visit districts which from their fertility must attract settlers, and are now inhabited by numerous tribes, without going to sea at all. To the north he can proceed by river carriage nearly 150 miles, and the same or a greater distance by like carriage to the south. For personal comfort, and for power to be fully efficient in his vocation, there can be no doubt, therefore, that Auckland is the true location for the proposed Bishop of New Zealand.

Lastly, we trust that we may be allowed to add as another reason with which those who instruct us are impressed against any change of the capital, that such a change would inevitably lead to the New Zealand Company obtaining a complete monopoly of the whole colony without any sort of check or competition, and would still further limit the powers of the Colonial Office, already believed to be too much encroached upon by the Company, and thereby diminish the protection so necessary for general settlers; and we respectfully submit that the interests of the public would be far better served, not by throwing every thing into the hands of one monopolizing Company, but by establishing the competition of another strong Company, which would vie in its exertions to promote emigration and to attract settlers; and would keep in check the inherent disposition of a monopolizing body to supersede the powers of Government, and to aggrandize itself at the expense of individuals. Such a rival Company would, we are satisfied, be immediately brought into active existence if the Government should at once proceed to sell lands, and to send out emigrants; and indeed, if this be longer delayed, there seems great probability that the New Zealand Company will have the only settlements in the island, because settlers in New Zealand, without the power to acquire lands or obtain emigrants to assist in their cultivation, must apply to the Company to sell; and in like manner, parties in Great Britain, wishing to proceed to the islands, are forced to go to the New Zealand Company, as in no other quarter can they obtain land upon which to settle, or where they can rely upon a supply of emigrant labour.

We have to apologize for trespassing at such length on your Lordship's time, but trust that the great importance of the subject to the public in general interested in the colonization of New Zealand will form a sufficient excuse.

We have, &c.

(signed) *Roy, Blunt, Duncan & Co.*

—No. 56.—

COPY of a LETTER from *G. W. Hope*, Esq. to Messrs. *Roy, Blunt, Duncan & Co.*

Gentlemen,

Downing-street, 28 September 1841.

No. 56.
G. W. Hope, Esq.
to Messrs. Roy,
Blunt, Duncan &
Co., 28 Sept. 1841.

I AM directed by Lord Stanley to acknowledge the receipt of your letters of the 20th and 22d instant, relative to the colonization of New Zealand and the position of the seat of Government; and I am to acquaint you in reply, that the subjects to which they refer will engage his Lordship's careful attention.

I am, &c.

(signed) *G. W. Hope.*

CORRESPONDENCE

WITH

Governor Sir *G. Gipps* and Governor *Hobson*.

— No. 1. —

(No. 135.)

EXTRACT of a DESPATCH from Governor Sir *George Gipps* to Lord
John Russell.

Government House, Sydney, 23 Sept. 1840.

I HAVE already transmitted to your Lordship copies of the instructions which had been given to Captain Stanley of Her Majesty's ship *Britomart* by the Lieutenant-governor of New Zealand, on his proceeding to Banks' Peninsula, in the Middle Island, where it was expected that some emigrants from France were about to form a settlement.

I have now the satisfaction to inform your Lordship that Captain Stanley preceded the French in his arrival at Banks' Peninsula, and that the British flag was flying and British authority established there, when the French whaling ship, the *Comte de Paris*, (Captain Langlois) arrived and landed about 50 emigrants.

Captain Lavaud, in the French corvette *L'Aube*, arrived at Banks' Peninsula after Captain Stanley, and only one day before the *Comte de Paris*, and he has, I understand, pledged himself that nothing shall be done that can be considered as an attempt to take possession of the country for the French Government.

Captain Langlois claims, I understand, a considerable extent of land as a purchase from the natives.

The emigrants are described by Captain Stanley as being mostly mechanics or labourers, and are under the direction of a gentleman sent from the *Jardin des Plantes*.

The spot where they have landed is called Akeroa, it is a good harbour, but surrounded by steep and thickly wooded mountains 3,000 feet high.

A police magistrate (Mr. Robinson) was left at Akeroa, having been sent thither in the *Britomart* by Lieutenant-governor Hobson; and the *Britomart* was at Port Nicholson on the 4th instant, the day to which my accounts from Captain Stanley come down.

— No. 2. —

(No. 161.)

COPY of a DESPATCH from Governor Sir *George Gipps* to Lord *John Russell*,

My Lord,

Government House, Sydney, 19 Oct. 1840.

IN my despatch of the 23d September last, No. 135, I communicated to your Lordship such information as had reached me (in an unofficial manner) respecting the landing of some French emigrants at Akeroa, or Banks' Peninsula, in the Middle Island, latitude about 43° 50' of New Zealand.

I have now the honour to forward to your Lordship a copy of the report which was made on the same subject by Captain Stanley of Her Majesty's sloop *Britomart* to the Lieutenant-governor of New Zealand.

I trust I may be allowed to express the sense I entertain of the zeal and discretion with which Captain Stanley carried the wishes of the Lieutenant governor into effect on this occasion.

I have, &c.

(signed) *Geo. Gipps*.NEW
ZEALAND.

No. 1.

Governor Sir
George Gipps to
Lord *John Russell*,
23 Sept. 1840.

No. 2.

Governor Sir
George Gipps to
Lord *John Russell*.
19 October 1840.

17th Sept. 1840.

NEW
ZEALAND.

Encl. in No. 2.

Enclosure in No. 2.

Sir,

Her Majesty's Ship Britomart, 17 Sept. 1840, at Sea.

I HAVE the honour to inform your Excellency that I proceeded in Her Majesty's sloop under my command, to the port of Akaroa, in Banks' Peninsula, where I arrived on the 10th August, after a very stormy passage, during which the stern boat was washed away, and one of the quarter boats stove.

The French frigate L'Aube had not arrived when I anchored, nor had any French emigrants been landed.

11 August. I landed, accompanied by Messrs. Murphy and Robinson, police magistrates, and visited the only two parts of the bay where there were houses; at both places the flag was hoisted, and a court, of which notice had been given the day before, was held by the magistrates.

Having received information that there were three whaling stations on the southern side of the Peninsula, the exposed positions of which afforded no anchorage for the Britomart, I sent Messrs. Murphy and Robinson to visit them in a whale boat.

At each station, the flag was hoisted and a court held.

On the 15th August, the French frigate L'Aube arrived, having been four days off the point. On the 16th August, the French whaler Comte de Paris, having on board 57 French emigrants, arrived.

With the exception of Mr. Billigni, from the Jardin des Plantes, who is sent out to look after the emigrants, and who is a good botanist and mineralogist, the emigrants are all of the lower order, and include carpenters, gardeners, stonemasons, labourers, a baker, and a miner, in all 30 men, 11 women, and the rest children.

Captain Lavaud, on the arrival of the French emigrants, assured me on his word of honour, that he would maintain the most strict neutrality between the British residents and the emigrants, and that should any differences arise between them, he would settle matters impartially.

Captain Lavaud also informed me, that as the Comte de Paris had to proceed to sea, whaling, that he would cause the emigrants to be landed in some unoccupied part of the bay, where he pledged himself they should do nothing which could be considered as hostile to our Government, and that until fresh instructions should be received from our respective Governments, that the emigrants should merely build themselves houses for shelter, and clear away what little land they might require for gardens.

Upon visiting the Comte de Paris, I found that she had on board, besides agricultural tools for the settlers, six long 24-pounders mounted on field carriages.

I immediately called upon Captain Lavaud to protest against the guns being landed. Captain Lavaud assured me that he had been much surprised at finding that guns had been sent out in the Comte de Paris, but that he had already given the most positive orders that they should not be landed.

On the 19th August, the French emigrants having landed in a sheltered well-chosen part of the bay, where they could not interfere with any one, I handed over to Messrs. Murphy and Robinson the instruction entrusted to me by your Excellency to meet such a contingency.

Mr. Robinson finding that he could engage three or four Englishmen as constables, and having been enabled, through the kindness of Captain Lavaud, to purchase a boat from a French whaler, decided upon remaining.

Captain Lavaud expressed much satisfaction when I informed him that Mr. Robinson was to remain, and immediately offered him the use of his cabin and table as long as L'Aube remained at Akaroa.

Mr. Robinson accepted Captain Lavaud's offer until he could establish himself on shore.

On the 27th August I sailed from Akaroa for Pigeon Bay, where, finding no inhabitants, I merely remained long enough to survey the harbour, which, though narrow and exposed to the northward, is well sheltered from every other wind, and is much frequented by whalers, who procure great numbers of pigeons.

From Pigeon Bay, I went to Port Cooper, where Mr. Murphy held a court. Several chiefs were present, and seemed to understand and appreciate Mr. Murphy's proceedings in one or two cases that came before him.

Between Port Cooper and Cloudy Bay, I could hear of no anchorage whatever from the whalers who frequent the coast.

I arrived at Port Nicholson on the 2d September, embarked Messrs. Shortland and Smart, and sailed for the Bay of Islands on the 16th September.

I have the honour to enclose herewith such information as I was enabled to procure during my stay at Banks' Peninsula, and also plans of the harbours.

I have, &c.

To His Excellency Lieut.-governor Hobson,
New Zealand.

(signed) W. M. Stanley,
Commander, R. N.

STATISTICAL ACCOUNT of the PORTS and WHALING STATIONS Visited in Her Majesty's Ship *Britomart*, in *Banks' Peninsula*, August 1840.

P L A C E.	INHABITANTS.				Houses.	Acres Claimed.	CLAIMANT.	Occupation.	Acres in Cultiva- tion.	Produce.	Time Estab- lished.	Soil.	Date of our Visit.
	Euro- peans.		Natives.										
	Men.	Women.	Men.	Women.									
Piraki - -	20	2	-	5	9	15 miles square.	Capt. Humpleman	- - Whaling station.	none -	none -	4 years	good -	Aug. 14 (a)
Ikotaki - -	29	1	-	6	10 about	Bay and 6 miles back.	William Price -	ditto -	none -	none -	9 months	good -	- 15 (b)
Oishou - -	24	-	4	6	- -	- -	{ James Brown - James Wood - }	ditto	none -	none -	6 months	good, but hilly.	- 15 (c)
Akaroa Takobinet	4	1	-	-	1	15 miles square, & the bay.	Capt. Roads -	- - Bullocks and cows grazing.	- about 2 acres.	- - vege- tables.	9 months	good -	- 20 (d)
Ronmatakai -	2	-	-	1	2	1 acre -	{ — Angus R. Clough - }	Squatters -	none -	none -	4 years	good -	- 20 (e)
Pigeon Bay -	-	-	-	-	-	-	- -	- -	- -	- -	- -	- -	- 29 (f)
Port Cooper -	-	-	-	-	-	-	- -	- -	- -	- -	- -	- -	- 30 (g)
Port Levi - -	2	-	2 or 3	-	-	-	- -	Coopers -	- -	- -	- tempo- rary.	good -	- 30 (h)

(a) Since established has been visited by five French, one Danish, and one American whalers. Land said to be bought from Bloody Jack.
(b) Land said to be bought from Bloody Jack and Tyroa.
(c) Wood claims 60 acres at Olage, in the behalf of a native woman living with him.
(d) Captain Road's title is signed by Tyroa.
(e) Clough has generally deserters from whalers staying with him. About 40 natives also reside here.
(f) A harbour of refuge for whalers.
(g) A harbour of refuge for whalers. Their numbers vary every day.
(h) Merely a whaling station during the season.
A considerable quantity of flat land is said to exist to the westward of Port Cooper, Mr. Weller, of Sydney, has some surveyors employed in measuring it.

— No. 3. —

(No. 172.)

COPY of a DESPATCH from Governor Sir *George Gipps* to Lord *John Russell*.

Government House, Sydney,
29 October 1840.

No. 3.
Governor Sir
George Gipps to
Lord John Russell.
29 October 1840.

20th Oct. 1840.
No. 1.
23d Oct. 1840.
No. 2.
28 Oct. 1840.
No. 3.

My Lord,
I HAVE herewith the honour to forward to your Lordship a copy of the communication which was made to the deputies from Port Nicholson, on the 20th instant, pursuant to the intention announced to your Lordship, in my despatch of the 6th instant, No. 147* ; and I further transmit a copy of a communication received from the deputies, under date of the 23d instant, as well as of the answer which was returned to it by my direction on the 28th instant.

Your Lordship having directed, in your despatch of the 4th December 1839, No. 53, that the settlers should be treated with " consideration and kindness," I trust your Lordship will approve of the way in which I have disposed of their claims.

I should add, that the letter of the Colonial Secretary to the deputies of the 20th instant, was written with the advice and concurrence of my Executive Council.

The deputies have announced to me their intention of leaving Sydney for Port Nicholson on Saturday next.

I have, &c.
(signed) *George Gipps*.

* For Sir G. Gipps's Despatch, 6 October, No. 147, vide Papers relative to New Zealand, Ordered by The House of Commons to be printed, 11 May 1841, No. 311, page 122.

NEW
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Enclosures in No. 3.

(No. 1.)

Encls. in No. 3.

Colonial Secretary's Office, Sydney,
20 October 1840.

Gentlemen,

WITH reference to your several interviews with Sir George Gipps, as a deputation on behalf of the settlers at Port Nicholson, and to the minutes exchanged at or after those interviews, I do myself the honour, by the direction of his Excellency, to make to you the following communication as the result of his best consideration to the case of the persons for whom you have made application.

The settlers at Port Nicholson will not be disturbed by the Government; on the contrary, the local Government will endeavour to procure from Her Majesty the confirmation to the settlers of the lands of which they are in possession at Port Nicholson, subject to the following conditions, reservations, or limitations.

The settlers must take their lands in one continuous block of 110,000 acres, measured in a compact manner, and the mode of admeasurement must be subject to the approval of the Lieutenant-governor of New Zealand.

Of the 110,000 acres so measured, one-tenth part is to be reserved for the use or benefit of the aborigines, according to the original plan of sale proposed by the New Zealand Company; and the lands for the aborigines shall be selected by lot, as provided for by the same plan of sale.

The selections for the aborigines are to be made by a person or persons nominated by the Lieutenant-governor of New Zealand, or approved by him; and all selections already made, shall be subject to his approval, the power being reserved to him to declare those selections void, and to make others, should he deem it proper to do so.

In order to provide for the erection of buildings for the purposes of Government within the town which has been laid out at Port Nicholson, under the name of Britannia, reserves to any amount, not exceeding in the whole 20 acres, shall be made, at the discretion of the Lieutenant-governor; but these reserves shall not, without the consent of both parties, be taken in more than four localities.

The reserves so selected by the Lieutenant-governor shall include a frontage of not more than 200 yards to deep water, in the best commercial situation of the town.

These reserves are intended only for such buildings or establishments as it is the especial duty of the government of every country to provide; such, for instance, as a custom-house, a hall for the sittings of the supreme court of justice, a post-office, a gaol, and probably some few other establishments of a similar character; but in addition to these reserves for the immediate purposes of Government, his Excellency is required, by his instructions under the sign manual, to cause other reserves to be made in every parish for roads, or other internal communications, for the sites of churches and school-houses, parsonages, and places of interment for the dead; also of places of amusement or recreation for the inhabitants; reserves of this nature must therefore be made, such as may be approved by the Lieutenant-governor of New Zealand, on the report of the surveyor-general.

The Government not deriving any profit from the sale of land within the limits of the town of Britannia, will of course be in possession of no funds out of which contributions can be made towards making improvements or erecting buildings, with the exception of those first mentioned, as belonging especially to the Government. In order, however, to enable the settlers themselves to make improvements, and to erect other buildings, and especially those for municipal purposes, the local Government will use its best endeavours to procure for the settlers a charter of incorporation, and to create them into a municipal body, with all requisite powers.

In addition to the reserves already spoken of, other portions of land will be required for the purposes of military protection, as well for the site of a barrack as for batteries, or works of defence for the harbour. It is impossible to say what quantities of land may be required for these purposes; but the site of a barrack within reasonable distance (say two miles) of the town, will in all probability be wanted, and in order to secure a proper exercising ground for the troops, the reserve for this purpose ought not perhaps to be less than 30 acres.

It is understood that the settlers are to pay, or rather that they have already paid 1 l. per acre for all the lands within the block of 110,000 acres, with the exception of the 10th part reserved for the aborigines, but no portion whatever of this money has been paid to the local Government, and the way in which it is to be disposed of must remain to be settled by Her Majesty's Government and the parties who have received it; should any portion of it be allowed for expenditure in the survey or improvement of the lands from which it has been derived, it will be the duty of the local Government to apply it to the best advantage; but in the meantime it must be obvious, that the Government has no funds which it can devote even to the survey of the lands, and that therefore it cannot take upon itself the division of the 110,000 acres, amongst the persons entitled to receive them. In this difficulty, the most obvious course of proceeding, in order to give titles to individuals would seem to be to grant the whole block of land to trustees, and leave the distribution of the lands to them. This course, however, would be so unusual a one, that his Excellency does not feel authorised to adopt it without the previous sanction of Her Majesty; all that his Excellency can therefore positively undertake at present to do is, to recommend such a course to Her Majesty's Government, and in the meantime to allow the settlers to remain unmolested.

His

His Excellency, however, wishes it to be clearly understood, that the Government does not guarantee the possession of any portion of these lands to the settlers, to the exclusion of persons who may claim possession of them, or any part of them, by virtue of previous purchases from the natives; should any claims of this kind appear, their pretensions and the validity of their purchases must be enquired into and reported on by the Commissioners appointed under the recent Act of Council.

His Excellency wishes it to be further understood, that all the rights of the aborigines are expressly reserved; should therefore the sale of the land, or of any portion of it, by the aborigines to the Company be disputed, the case arising out of such dispute will not be in the least affected by anything herein contained.

I have, &c.

Dr. Evans, R. D. Hanson, Esq. and
Henry Moreing, Esq.
Deputies for the Settlers at Port Nicholson.

(signed) *E. Deas Thomson.*

(No. 2.)

Sir,

Sydney, 23 October 1840.

WE have the honour to acknowledge the receipt of a communication on behalf of his Excellency Sir George Gipps, addressed to us as a deputation from the settlers at Port Nicholson, containing the views of his Excellency on the case of the persons for whom we have made application to him.

20th Oct. 1840.

We understand, that communication to guarantee to the settlers at Port Nicholson the present possession of 110,000 acres of land purchased by them from the New Zealand Company, such 110,000 acres to be taken in a compact block round the harbour of Port Nicholson, subject to certain conditions. Of these conditions the principal are,

1. That one-tenth of the 110,000 acres is to be reserved for the aborigines, in conformity with the original plan of the New Zealand Company; the choice of such reserve to be made according to an order of selection determined by lot, and to be made or approved of by a person to be nominated for that purpose by the Lieutenant-governor.
2. That reserves, not exceeding 20 acres in the whole, and including 200 yards of frontage to deep water in the best commercial situation in the town, shall be made for the use of the Government, such reserves to be approved of by the Lieutenant-governor.
3. That reserves shall also be made, subject to the same approval, for roads, churches, parsonages, school-houses, &c. &c.
4. That needful reserves shall be made for the purpose of military protection, including sites for a barrack, and for batteries or works of defence.

We further understand that his Excellency will recommend to the Home Government that this tract of 110,000 acres shall be conveyed to trustees, to be by them apportioned among the settlers.

For the reasons before urged in our interviews with His Excellency, as well as in the documents we have had the honour to submit to him, we are of opinion that these terms do not fully meet the justice of the case, inasmuch as the largest portion of the lands in the neighbourhood of Port Nicholson, cannot be made available for agricultural or other purposes. But as His Excellency has laid down certain principles by which he conceives himself bound in the matter, we see no advantage to arise from any further discussion of that topic.

We, however, beg to submit to his Excellency, that the terms he has employed in requiring the approval of the Lieutenant-governor of New Zealand to the selection of all reserves to be made for the benefit of the aborigines, and for public purposes, introduce an element of uncertainty and delay to the arrangement he has proposed, which must prove highly detrimental to the interests of the settlers, and may lead to the destruction of the settlement. According to the communication of His Excellency, until the reserves to be made by the officers of the Company for the natives and the Government have been approved of by the Lieutenant-governor, no person to whom a section has been allotted can feel secure in his possession; and no one would venture upon the erection of any expensive buildings. Until that approval were signified, any holder of land would be liable to ejection, upon the ground that his lot ought to have formed a part of such reserve. And as the surveyor-general of New Zealand must of necessity be occupied for a considerable period in laying out the towns fixed upon by the Lieutenant-governor, and in surveying the country sections in their vicinity, twelve months at the least, and probably twice that period would elapse before he could visit Port Nicholson for the purpose of deciding upon those reserves. During the whole of that period the main business of the settlement would be checked, to the great injury and possible ruin of the settlers.

Upon this point, however, we should be satisfied with receiving from his Excellency an assurance that the Company's officers shall be authorised to make these reserves in the first instance, and that their selection shall not be interfered with, excepting upon the ground of some substantial departure from the spirit of the implied contract under which these reserves are to be made.

There are, however, in that communication two points of far greater importance, to which we beg to call the attention of His Excellency.

His Excellency states that the Government does not guarantee the possession of any portion of land to the exclusion of persons who may claim possession of them by virtue of

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previous purchases from the natives ; and that the rights of the aborigines are expressly reserved.

As we understood that the recent Act of Council for the settlement of titles to land in New Zealand was the foundation of all our negotiations with his Excellency, we have not hitherto referred to either of these points. We have rested the claim of the Company and the settlers, not upon the purchase from the native tribes, but upon the large sum contributed by the settlers to the purpose of emigration. This too we conceived to be the motive for that exception to the provisions of the Act in question, which his Excellency proposes to recommend in the instance of the settlers at Port Nicholson.

We would, however, now submit to his Excellency the fact that the natives have actually put the agent of the Company in possession of the whole of the land near the harbour of Port Nicholson. But there is an uncertainty with regard to titles which necessarily attaches, in some degree, to all purchases of land in New Zealand, when it is uncertain whether any precise rule prevails as to the extent to which individuals are bound by the acts of the tribe in a sale of land. It would therefore be impossible to feel secure against claims which might be urged to detached portions by persons who had by removal forfeited all claims to any portion of the land as against their tribe, but might be induced to urge such a claim as against the settlers. We, however, beg to remind his Excellency, that the reserve of one-tenth of the land to a proportion of which every person having a valid claim to land would be entitled, is of itself an ample compensation, and fully justifies the extinction of the native title to the remainder. It cannot be doubted that the settlement made at Port Nicholson solely in consequence of the presumed validity of the purchase from the natives, has conferred upon that tenth part a value manifold greater than that possessed by the whole of the district previous to such settlement.

With regard to the claimants under previous purchases from the natives, we would only request that such persons may be placed in the same position as that which they would have occupied in respect of land claimed by them in any town founded by the Government. If any claim is made to land not included in the site of the town, the settlers are willing that such claims should be submitted to the decision of the Commissioners. But they consider it would be unjust if, in a case where they have paid 100,000*l.* for what is in reality a town and 20,000 acres of land, being at the rate of 5*l.* per acre, they are to be subjected to the counter claims of persons who have purchased from the natives, only because it was known that a settlement was to be formed there, who have contributed nothing to any public purpose, and who, if the town were founded by Government, would be only entitled to some compensation in land.

The consideration uniformly manifested by his Excellency with regard to the circumstances of the settlers at Port Nicholson, leads us to believe that it is only necessary we should point out the practical inconveniences that might arise from the points to which we have adverted, in order to insure their removal. We therefore hope that we may receive from his Excellency an assurance that the approval of the Lieutenant-governor of the reserves for the natives and for public purposes is required only to guard against injustice on the part of the officers of the Company, and is not to be so exercised as to prevent or delay the formation of the town ; that with regard to the natives, their title to land within the limits of the 110,000 acres shall be regarded as extinguished, in consideration of one-tenth being reserved for them ; and that any individuals claiming land as against the Company, within the limits of the town, shall be left to their remedy under the Act, receiving compensation in land elsewhere, in the event of their claim being admitted as valid by the Commissioners.

We have, &c.

(signed) *George Samuel Evans,*
R. Davies Hanson.
Henry Moreing.

To the Hon. E. Deas Thomson,
&c. &c. &c.

(No. 3.)

Colonial Secretary's Office, Sydney,
28 October 1840.

Gentlemen,

I do myself the honour to acknowledge the receipt of your letter of the 23d instant, in answer to mine of the 20th, communicating to you the decision of Sir George Gipps with respect to your application on behalf of the settlers at Port Nicholson, and in reply to the several points urged in your letter, I am directed by his Excellency to inform you as follows :

1. That in requiring that the lands set apart for the use of the natives should be approved by the Lieutenant-governor, his Excellency did not mean that such lands should not, in the first instance, be selected by the officers deputed to select them by the Company. His Excellency's object was to reserve to the Government the right of interference in any case where injustice might appear to have been done to the natives ; and this, his Excellency thinks, may be effected without rendering the settlers insecure in the tenure of their own allotments, unless, indeed, some case of great and glaring injustice should be exposed. The official protector of aborigines would be moreover, a more fit person to judge in the first instance of such injustice than the surveyor-general.

2. Should

2. Should any questions arise as to the extinction of the native title to the lands comprehended within the settlement of 110,000 acres, the same principles must be applied in the solution of them. The Government has hitherto assumed, and is still willing to assume, that the native title has been fairly extinguished, but the Government must reserve to itself the right of inquiring into, and redressing any injury that may be proved to have been committed; and this is the more necessary as the Government was in no way a party in the purchase of their lands, and as his Excellency is not even at the present moment informed what has been paid for them.

3. With respect to individuals who may claim land within the settlement, you have rightly apprehended his Excellency's meaning. Such individuals must be dealt with under the Act of Council, in the same way that they would be dealt with if the lands claimed by them were required for any public purpose; in fact, the formation of the settlement is a public purpose; they, therefore, cannot retain lands within it, but any compensation which may be awarded to them by the Commissioners for the loss of their lands must be made by the settlers collectively, or by the Company.

4. His Excellency wishes it to be understood that it is out of his power to give the settlers an absolute guarantee to their lands; his acts in respect to them, like all the other acts of his Government, being subject to the approval of Her Majesty.

Dr. Evans, R. D. Hanson, Esq.
and Henry Moreing, Esq.
Deputies from the Settlers at
Port Nicholson.

I have, &c.
(signed) *E. Deas Thomson.*

— No. 4. —

(No. 245.)

COPY of a DESPATCH from Lord *John Russell* to Governor
Sir George Gipps.

No. 4.
Lord John Russell
to Governor
Sir George Gipps.
20 April 1841.

Sir,

Downing-street, 20 April 1841.

I HAVE received your Despatch, No. 172, of the 29th October last, transmitting copies of a correspondence which had passed between the Colonial Secretary to your Government, and the deputies from the settlers at Port Nicholson, on the subject of the lands acquired by them in that district.

The recent arrangements between Her Majesty's Government and the New Zealand Company, which have been already communicated to you, render unnecessary any observations on your proceedings in this matter.

I have, &c.
(signed) *J. Russell.*

— No. 5. —

(No. 152.)

COPY of a DESPATCH from Governor Sir *George Gipps* to Lord *John Russell.*

No. 5.
Governor Sir
George Gipps to
Lord John Russell.
9 October 1840.

My Lord,

Government House, Sydney,
9 October 1840.

I HAVE the honour to report to your Lordship that, agreeably to the powers vested in me by the Act which was transmitted with my despatch to your Lordship of the 16th August last, No. 110, I have appointed the undermentioned gentlemen to be Commissioners for inquiring into claims to grants of land in New Zealand: Francis Fisher, Esq., Matthew Richmond, Esq., Edward Lee Godfrey, Esq. And I have further the honour to enclose to your Lordship a copy of the commission under which these gentlemen have been appointed, and also a copy of the instructions which I have caused to be addressed to them.

Trusting these measures will meet your Lordship's approval,

I have &c.,
(signed) *George Gipps.*

Despatch 16 Aug.
No. 110, ordered
by The House of
Commons to be
printed, 11 May
1841, No. 311,
p. 61.

30 Sept. 1840.
No. 1.
2 Oct. 1840.
No. 2.

NEW
ZEALAND.

Enclosures in No. 5.

Encl. in No. 5.

(No. 1.)

BY His Excellency Sir *George Gipps*, Knight, Captain General and Governor-in-Chief of the Territory of *New South Wales* and its Dependencies, and Vice-Admiral of the same.

WHEREAS by an Act of the Governor of the said territory, by and with the advice of the Legislative Council thereof, passed in the fourth year of the reign of Her Majesty Queen Victoria, intituled, "An Act to empower the Governor of New South Wales to appoint Commissioners, with certain Powers to examine and report on Claims to Grants of Land in New Zealand," it was, amongst other things, enacted that it should and might be lawful for the Governor of the said territory to issue one or more commission or commissions, and thereby to appoint commissioners, who should have full power to hear, examine, and report on all such claims to grants of land in New Zealand as should be referred to them by the said Governor, under and by virtue of the provisions of the said Act: Now, therefore, I, the said George Gipps, Governor of the said territory and its dependencies, in pursuance of the said Act, and under and by virtue of the power and authority in me vested, to Francis Fisher, esquire, Edward Lee Godfrey, esquire, and Matthew Richmond, esquire, send greeting: Know ye, that, in confidence of your prudence and fidelity, I have appointed, and do by these presents appoint, you and each of you to be Commissioners during the pleasure of the Governor of the said territory for the time being, with full power and authority for you, or any two of you, to hear, examine, and report on all claims to grants of land in New Zealand which may be referred to you by me, or by the said Governor, and to examine witnesses, and otherwise to inquire concerning the same by all lawful methods by which you may better know the truth of the said matters, and may be enabled to report thereon, as is by the said Act directed: And I do, therefore, command you and each of you that you do forthwith, and before in anyway acting as such Commissioners, take and subscribe, before one of the judges of the Supreme Court of the said territory, the oaths set forth in the schedule to the said Act annexed, marked (A.); and that immediately thereafter you do proceed to investigate and report upon the claims referred to you as aforesaid, being guided therein by the real justice and good conscience of the case with regard to legal forms and solemnities, and directing yourselves, by the best evidence you can procure, or that is laid before you, whether the same be such evidence as the law would require in other cases or not, and adhering strictly, in all respects whatsoever, to the instructions, provisoes, and restrictions which are in the said Act contained, or which may from time to time be issued in pursuance thereof by the Governor of the said territory for the time being: provided always, that these presents and the powers hereby granted shall altogether cease and determine whenever the same shall be notified by command of the said Governor.

Given under my hand and the seal of the territory, at Government House, Sydney, in New South Wales aforesaid, this 30th day of September 1840.

(signed) *George Gipps.*

By his Excellency's command,

(signed) *E. Deas Thomson.*

(No. 2.)

INSTRUCTIONS for the Commissioners appointed to examine and report on Claims to Grants of Land in *New Zealand*, under the Act of the Governor and Council, 4 Victoria, No. 7.

1. THE Commissioners will proceed with all convenient dispatch to the Bay of Islands, and on arriving there will wait on the Lieutenant-governor, and after showing him their commission and instructions, will advise with him as to the best means of entering on their duties. In the execution of their commission they will not be subject to the control of the Lieutenant-governor, except in the particulars hereinafter mentioned, but they will of course at all times yield to him the respect that is due to his station.

2. They will bear in mind that the Act of Council does not authorise them to inquire into any case which is not specially referred to them by the Governor of New South Wales.

3. Before proceeding to the actual investigation of any case, they will take care that the following particulars are duly notified for at least 14 days in one or more New Zealand newspapers, viz. the names of the parties interested as claimants; the names of all alleged settlers; the situation, boundaries, and estimated extent of the land claimed; the names of any opponents; the place of hearing, and the time of hearing. In cases of doubt or great importance, it will also be desirable that copies of the notices be transmitted to the governments of New South Wales and Van Diemen's Land, for the purpose of being inserted in the respective government gazettes.

4. Either

4. Either the official protector of aborigines, or some person appointed in his stead by the Lieutenant-governor, must be present at all their investigations, in order to protect the rights and interests of the natives. The attendance of competent interpreters must also be insured.

5. The Commissioners will conduct their proceedings, as far as they conveniently can, with open doors, especially whilst witnesses are under examination; but they will have the power of closing their doors for the purpose of deliberation, or, if necessary, to preserve order; and also to make such rules for the proceedings of their court as they may deem requisite, being consistent with the provisions of the Act and with these instructions.

6. In summoning and examining witnesses, recording evidence, and in every other step of their procedure, they will govern themselves strictly by the directions contained in the Act of Council; and in preparing their reports, they will adopt the accompanying form (Z), transmitting them with the least possible delay to the colonial secretary of New South Wales for the decision of the governor.

7. By the fifth clause of the Act the Commissioners are directed in every respect to set forth the number of acres which the payments made to the natives by the claimants would be equivalent to, according to the table in Schedule (D). They are not, however, to consider themselves absolutely bound to adhere to the number of acres so determined, but within moderate limits will be at liberty to recommend more or less, according to circumstances. As a general rule, the number derived from the table may be considered as the minimum to which the claimant may be entitled, whilst the maximum is fixed by the Act at 2,560 acres. The cases in which less than the minimum may be given will probably be where the land claimed is from its situation or quality particularly valuable, or where the articles given in barter to the natives were likely to be hurtful to them instead of useful,—such, for instance, as gunpowder, fire-arms, or ardent spirits, or where the intercourse of Europeans has clearly been prejudicial to the natives. More than the number derived from the table may be given in a case where any individual has rendered personal services to the natives, or where he may not be allowed to retain all the land on which he has made improvements. These, however, are points in which the Commissioners must be guided by their own discretion, and of course they must take care to keep their awards as far as possible in harmony with and in due proportion to each other.

8. In calculating the value of improvements on lands not to be retained by the claimant, the Commissioners will only take into consideration how much more would the land sell for in consequence of the improvements effected on it than it could sell for if entirely in an unimproved state. This sum, or its equivalent in land at its present selling value, may be allowed to the claimant in addition to the quantity to which he is entitled on account of his purchase from the natives, whether that quantity be 2,560 acres or less; but it is of course to be understood that this applies only to cases in which the land wherein the improvements were made is not allowed to be retained by the claimant; when he retains the land, he has the full benefit of his improvements, and therefore can claim no compensation for them.

9. The Commissioners are also desired by the Act to set forth the situation, measurement, and boundaries by which the lands which they award to any claimant may afterwards be described in a deed of grant. To enable them to do this, a surveyor will be placed under their orders.

10. In addition to the particulars above mentioned, they will specify in each report the mode of conveyance used in the purchase from the natives, whether a formal deed or otherwise, the parties to it, and the proof; they will also insert a description of the land alienated by such conveyance, but not awarded to the claimant, defined with such exactness as may be practicable, and as may suffice for identifying the same, and preventing subsequent intrusion or encroachment.

11. In making their awards, or in marking out lands, they will observe the general regulations which already have, or may hereafter be established in New Zealand, in respect to frontage on roads, rivers, or coasts, as well as other particulars, and take care that the whole quantity awarded in any one case be taken in one block.

12. In the reservation of sites for towns, villages, works of defence, or other public purposes, they will (agreeably to the Act) follow such instructions as they may receive from the Lieutenant-governor of New Zealand, and in the absence of any instructions from him, they will act on their own discretion; and in awarding compensation for any lands which, were they not required for such purpose, might be granted to the claimant, they will take into consideration the probable value only which the lands would have been of to the claimant, had he been allowed to retain them, and not the additional value which they may acquire in the hands of the Government, or in consequence of any proceeding on the part of the Government. They will also further take into consideration the increased value which may be given to any of the lands awarded to the claimant by the neighbourhood of the town, village, or work of defence to be established on the land retained by the Government. The compensation for lands so resumed may, if the case require it, be in excess of the maximum grant of 2,560 acres.

13. As land will probably be claimed by the same person in different localities, every claimant, at his first appearance before the Commissioners, should be required to state the whole amount of his claims in all the islands of New Zealand, and at the same time he should be warned (if a warning seem necessary), that the utmost which can be allowed for the claims of the same individual in the whole of the islands is 2,560 acres; also, that the claims of a number of partners can only be considered as the claim of one individual.

NEW
ZEALAND.

14. When parties claim in different localities, each separate claim preferred by the same individual is to be considered as a distinct case, and decided accordingly, *i. e.* on its own merits, and within its own localities, with the single exception, that the aggregate quantity recommended must not exceed 2,560 acres. Where the aggregate would exceed that quantity, the Commissioners will use their own discretion, consulting, however, the wishes and convenience of the claimants, as far as possible, whether to deduct the excess from any one of the spots claimed, or proportionably from the whole.

15. If it shall appear, in the investigation of any case that the real claimant, or rather the person who ought to be the claimant, is an alien, the fact must be specially reported; but if the alien do not object, having the opportunity to do so, the award may go on, and the report be made as in other cases.

16. The Commissioners are not to decline to enter into any case on the ground that the fair claims of the parties will not be satisfied with 2,560 acres, it being an indispensable condition that every claim must be reported on by the Commissioners, except such report be dispensed with by the Governor.

By his Excellency's command.

Colonial Secretary's Office, Sydney,
2 October 1840.

(signed) *E. Deas Thomson.*

No. 6.

Governor Sir
George Gipps to
Lord John Russell.
5 November 1840.

(No. 175.)

— No. 6. —

COPY of a DESPATCH from Governor Sir *George Gipps* to Lord
John Russell.

Government House, Sydney,
5 November 1840.

My Lord,

WITH reference to my despatch of the 9th October last, No. 152, reporting the appointment of three gentlemen to be Commissioners for inquiring into claims to grants of land in New Zealand, I now beg leave to report the salaries which I have respectively assigned to them.

I have consequently now to report to your Lordship, that to each of them I have allowed the sum of 30 *s.* per diem; and to Mr. Fisher the additional salary of 10 *s.* per diem, as law adviser to the commission.

I considered it not only desirable, but almost indispensably necessary, that one member at least of the commission should be a lawyer, there being no law officer of any description in the colony of New Zealand; and in former despatches (particularly that of the 18th December 1839, No. 176,) I have sufficiently, I hope shown, that in this colony no man of any reputation as a lawyer, could be found to serve the Government at a lower rate of remuneration than that which I have allowed to Mr. Fisher.

The extra remuneration of 10 *s.* a day was granted to Mr. Fisher under the denomination which I have mentioned, of law adviser to the commission, in order to avoid, on the one hand, giving him an avowed superiority over the other Commissioners; or, on the other, admitting a claim on their part, to be placed in regard to salary on an equality with him.

I have further to add, that the salaries of all the Commissioners are to be exclusive of travelling expenses.

I have, &c.
(signed) *Geo. Gipps.*

No. 7.

Lord John Russell
to Governor
Sir Geo. Gipps.
28 May 1841.

(No. 277.)

— No. 7. —

COPY of a DESPATCH from Lord *John Russell* to Governor Sir *George Gipps.*

Sir,

Downing-street, 28 May 1841.

I HAVE to acknowledge the receipt of your despatch, No. 175, of the 5th of November last, reporting the amount of salaries which you had assigned to the commissioners appointed by you for inquiring into claims to grants of lands in New Zealand; and having communicated on the subject with the Lords Commissioners of the Treasury, I have to convey to you the sanction of Her Majesty's Government for the admission of such expenditure as may be incurred under the arrangements reported by you for the investigation of those claims, until
the

the commissioners nominated by you shall have received the notification of the abrogation of those arrangements by the appointment of a commissioner from this country.

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I am, &c.
(signed) *J. Russell.*

— No. 8. —

(No. 185.)

COPY of a DESPATCH from Governor Sir *George Gipps* to Lord *John Russell*.

No. 8.
Governor Sir
George Gipps to
Lord John Russell.
6 December 1840.

My Lord,

Government House, Sydney, 6 Dec. 1840.

I HAVE the honour to report to your Lordship that Her Majesty's sloop Favorite, Captain Dunlop, is returned to Sydney from New Zealand, being in want of provisions.

I enclose a copy of a letter from Captain Dunlop, by which your Lordship will perceive that nothing of any importance had occurred at the French settlement at Akaroa, in the Middle Island, up to the time Captain Dunlop left it, which was on the 25th ultimo.

The Favorite will return to New Zealand as soon as she can be completed with provisions and be got ready for sea.

I have, &c.
(signed) *Geo. Gipps.*

5th Dec. 1840.

Enclosure in No. 8.

Sir,

Her Majesty's Ship Favorite,
Port Jackson, 5 Dec. 1840.

Encl. in No. 8.

I HAVE the honour to inform your Excellency that, in compliance with your request, I proceeded on the 8th September in the sloop under my command to the Bay of Islands, and communicated with Captain Hobson, Governor of New Zealand. I then conveyed his Excellency to the Waitemata. Agreeably to his request I proceeded to Akaroa, *via* Port Nicholson, for the purpose of observing the motions of the French corvette L'Aube, and the settlement formed by the French at Akaroa. I have the most solemn assurance from Captain Lavaud that he has no instructions from his Government further than that he is on the coast of New Zealand for the protection of the French whale fishery.

As far as my own observations go relative to the settlement, they are in anything but a forward state, not having any stock whatever; in fact they are living upon salt and preserved meats, with what vegetables they can get from their small gardens, which at present is all the cultivation to be seen. The colonists number about 60. Captain Lavaud was building a store for them to protect their property from the weather. I understand the French Company have provided provisions till next July. The Comte de Paris, the ship that brought the settlers out, was to sail for the whale fishery a day or two after my departure. I left Akaroa on the 25th November.

I have, &c.

To His Excellency Sir George Gipps,
&c. &c. &c. Sydney.

(signed) *R. S. W. Dunlop,*
Acting Commander.

— No. 9. —

(No. 188.)

COPY of a DESPATCH from Governor Sir *George Gipps* to Lord *John Russell*.

No. 9.
Governor Sir
George Gipps to
Lord John Russell.
17 December 1840.

My Lord,

Government House, Sydney,
17 December 1840.

I HAVE the honour herewith to forward to your Lordship a copy of a letter which I addressed on the 16th instant to the Lieutenant-governor of New Zealand, respecting the disposal of land in that colony, in consequence of having received your Lordship's despatch of the 31st May last, No. 93.

I shall do myself the honour to communicate to your Lordship a copy of the Lieutenant-governor's answer as soon as it reaches me.

I have, &c.
(signed) *George Gipps.*

16th Dec. 1840.
For Lord J. Russell's
Despatch, 31 May,
No. 93, *vide* Papers
relative to New South
Wales, ordered by the
House of Commons to
be printed, 29 July
1840, No. 550.

NEW
ZEALAND.

Enclosure in No. 9.

Encl. in No. 9.

(No. 51.)

Sir,

Government House, Sydney, 16 December 1840.

HEREWITH I enclose a copy of the regulations for the disposal of land in the colony of New South Wales which were issued on the 5th instant, in conformity with instructions received from the Secretary of State. I also enclose a copy of the despatch on which those regulations are founded.

You will perceive that the introduction of the system of selling land at an uniform price is confined at present to the northern and southern districts of the colony of New South Wales, and that the despatch from the Secretary of State takes no notice whatever of New Zealand; at the same time, the reasoning contained in the despatch is doubtless as applicable to New Zealand as to the northern district, and far more applicable to it than to the southern, or Port Phillip district; and I can therefore scarcely doubt that the order would have been extended to New Zealand, had New Zealand at the time the despatch was written, been recognised as a British colony.

Under such circumstances, I should scarcely hesitate as to the propriety of extending the system to New Zealand, had I not myself sent home during the course of the last six months, and especially in my despatches of the 30th June and 27th October last, such information respecting the progress of our sales by auction, and the prices realised at them, as might have led to some modification of the orders contained in the despatch of the 31st May last, had it then been before the Secretary of State. Under all the circumstances of the case, I am desirous of having the advantage of your opinion before anything final is decided on.

No land sales have yet taken place in New Zealand; but a sale is advertised for the month of March next; there is yet time to stop this sale, and to adopt the system of the uniform price, should it be deemed proper so to do. This, therefore, is the point which I wish to bring under your consideration.

I enclose to you confidentially, a copy of a despatch which I have addressed to the Secretary of State, reporting the way in which the orders contained in his despatch of the 31st May have been carried into effect. The other information which I have during the last six months forwarded to the Secretary of State respecting the progress of our land sales, is substantially the same as that transmitted to you in my letters of the 3d of September and 3d of October last.

I have, &c.

His Excellency Lieut.-governor Hobson,
New Zealand.

(signed) *George Gipps.*

— No. 10. —

No. 10.
Governor Sir
George Gipps to
Lord John Russell.
12 January 1841.

(No. 12.)

COPY of a DESPATCH from Governor Sir *George Gipps* to Lord *John Russell*.

Government House, Sydney,
12 January 1841.

My Lord,

I HAVE the honour to report to your Lordship that the sums advanced out of the Crown revenue of this colony, on account of the Government of New Zealand, amounted on the 31st December last to 33,064*l.* 1*s.* 1*d.*, and that although it is impossible to form any correct estimate of what the expenses of that Government above its receipts may be for the current year, 1841, I think it not improbable that about 50,000*l.* will be required to maintain it in efficiency.

How far we may be able to meet this demand, it is scarcely possible for me to say. I cannot as yet anticipate the extent to which the new regulations for the disposal of land may affect our revenue; but I feel it right to remark to your Lordship, that should a failure take place in our resources, I shall have no means of providing for New Zealand but by drawing on the Lords of the Treasury.

I have, &c.

(signed) *George Gipps.*

— No. 11. —

(No. 27.)

COPY of a DESPATCH from Governor Sir *George Gipps* to Lord *John Russell*.

My Lord,

Government House, Sydney,
29 January 1841.

I HAVE the honour to enclose herewith a copy of a despatch from the Lieutenant-governor of New Zealand, dated the 29th December 1840, respecting a notice which had been issued in a newspaper at Port Nicholson by an agent of the New Zealand Company, inviting persons to select allotments at Wanganui and Taranaki.

As these places are situated beyond the limits of the 110,000 acres, which I recommended in my despatch of the 6th October 1840, No. 147, to be confirmed to the purchasers from the company, I thought it proper at once to declare that no such selections would be allowed; and I accordingly returned the answer, of which a copy is annexed, to the Lieutenant-governor, and have further directed a notice to the same effect to be inserted in the Government Gazette of this colony.

I trust your Lordship will approve of the measures which I have adopted.

I have, &c.

(signed) *George Gipps*.

Enclosures in No. 11.

(No. 1.)

Encls. in No. 11.

(40/124)

Sir,

Government House, Russell, 29 Dec. 1840.

REFERRING to your Excellency's letter, dated and numbered as in the margin, covering copies of communications made to the deputation from Port Nicholson by your Excellency, and informing me the conditions on which the settlers are to remain undisturbed on the lands they have taken possession of. I do myself the honour to inform you that notice has been published in the Port Nicholson papers by Captain Smith, R.A., who signs himself surveyor-general of the New Zealand Company, that plans of the district of Wanganui and Taranaki were ready for inspection, and that the selection therein would take place on Monday, 4th February, 1841.

I have to request that your Excellency will furnish me with instructions as to the course I should pursue to prevent the serious consequences that must inevitably result from the Company apportioning lands so distant from their settlement, in contravention of your Excellency's conditions, reservations, and limitations, as expressed in Enclosure D, the lands of Taranaki being distant one hundred miles from Port Nicholson, and those of Wanganui being far beyond the limits of any block including Port Nicholson that can be comprised within 110,000 acres.

I have, &c.

(signed) *W. Hobson*.

His Excellency Sir George Gipps,
Governor, &c. &c.

(No. 2.)

(No. 5.)

Sir,

Government House, Sydney, 12 Jan. 1841.

I HAVE had the honour to receive your despatch of the 29th December, No. 124, informing me that a notice has been published in a newspaper at Port Nicholson, that plans of the district of Wanganui and Taranaki are ready for inspection, and that selections therein would take place on Monday, the 4th of February, the notice being signed by a person who calls himself surveyor-general to the New Zealand Company; and I have in consequence to desire that you will without loss of time, direct the police magistrate at Port Nicholson to notify in the most public manner possible, that no such selections will be acknowledged by Her Majesty's Government, nor any titles whatsoever derived from the New Zealand Company beyond the limits of 110,000 acres taken in one continuous block round Port Nicholson.

I have, &c.

(signed) *George Gipps*.

His Excellency Lieut.-governor Hobson,
New Zealand.

NEW
ZEALAND.

No. 11.

Governor Sir
George Gipps to
Lord John Russell.
29 January 1841.

29th Dec. 1840.

Despatch 6 Oct.
No. 147, ordered by
the House of Commons
to be printed, 11 May
1841, No. 311, p. 122.
12th Jan. 1841.
No. 2.

2d Oct. 1840.
Despatch, No. 40.

NEW
ZEALAND.

— No. 12. —

(No. 60.)

No. 12.
Governor Sir
George Gipps to
Lord John Russell.
5 March 1841.

COPY of a DESPATCH from Governor Sir *George Gipps* to Lord *John Russell*.

Government House, Sydney,
5 March 1841.

My Lord,

WITH my despatch of the 17th December last, No. 188, I transmitted to your Lordship a copy of a letter which I addressed on the 16th to the Lieutenant-governor of New Zealand, respecting the disposal of land in that colony, in consequence of having received your Lordship's despatch, No. 93, of the 31st May 1840.

I have herewith the honour to transmit to your Lordship a copy of the Lieutenant-governor's reply, dated the 16th February 1841, and received the 4th instant.

By this reply your Lordship will perceive that it is the intention of the Lieutenant-governor to proceed with the sale of land by auction, taking care, however, that no allotments in the town of Auckland, the intended capital of the colony, shall be sold for less than 100 *l.* per acre.

I have, &c.

(signed) *Geo. Gipps*.

16 Feb. 1841.

Enclosure in No. 12.

(41/5.)

Encl. in No. 12.

Sir,

Government House, Russell, 16 February 1841.

I AVAIL myself of the first opportunity that has presented itself to acknowledge the receipt, on the 3d instant, of your Excellency's duplicate letter, No. 51, enclosing a printed copy of the New Land Regulations for the Sale of Crown Lands within the northern and southern districts of New South Wales, and a duplicate copy of your letter thereon to the Secretary of State, dated the 19th of December 1840.

I most fully concur with your Excellency that, although New Zealand is not mentioned in these despatches, the inference to be drawn from them is, that his Lordship contemplates the introduction into this country of the system of selling land at an uniform price, and I likewise agree with your Excellency in thinking it probable that the comprehensive financial statements contained in your letters will induce his Lordship to modify that system, at all events as regards the vicinity of towns, where the price by the new regulations is most disproportionate to the value of the land.

Considering, therefore, that New Zealand is by implication included in the new regulations for the sale of land, the question on which your Excellency did me the honour to invite my opinion, I conceive to be,—should the sale of Auckland be postponed until the new regulations can be brought into operation, or is it advisable under the particular circumstances of the case that it should be proceeded with in accordance with the notice that has been published both here and in New South Wales?

Presuming that it is deemed expedient to delay no longer the settlement of a town at the seat of Government, I am of opinion that the modification which may be expected to result from your Excellency's statements is in itself sufficient to justify, in the absence of a positive command to the contrary, the sale of town allotments on the old system; and taking into consideration the inconvenience to the public that would result from a postponement of the sale to an indefinite period, now that a large number of persons have collected on the spot for the purpose of buying allotments, and the utter discredit that would attach to the Government on the announcement of such a procedure, for the second time within six months. I respectfully submit that it would be most unwise to adopt a course which would be readily attributed to indecision, and would inevitably destroy all confidence in the future measures of Government, and that the only course, therefore, open for the Government is to proceed with the sale on the 8th of next month, as announced in the public advertisements.

The long period that elapsed between the date and receipt of your Excellency's despatch, and the further delay of 14 days before I am enabled to forward my answer, preclude the possibility of my receiving your Excellency's final decision on this matter before the day appointed for the sale. Being therefore reduced to the necessity of acting upon my own responsibility, I have resolved that the sale shall take place, but under a restriction to the treasurer that no allotment shall be sold under 100 *l.* per acre.

I am encouraged by the general tenor of your Excellency's letter to hope that this measure may meet your approbation; at all events, I trust you will believe that I have, under all circumstances, been influenced by a desire to meet your wishes, and to forward the views of Her Majesty's Government.

His Excellency,
Sir George Gipps, Governor,
&c. &c. &c.

I have, &c.
(signed) *W. Hobson*.

NEW
ZEALAND.

— No. 13. —

(No. 61.)

COPY of a DESPATCH from Governor Sir *George Gipps* to
Lord *John Russell*.No. 13.
Governor Sir
George Gipps to
Lord John Russell.
5 March 1841.Government House, Sydney,
5 March 1841.

My Lord,

HEREWITH I have the honour to forward to your Lordship copies of some communications which I have received from the Lieutenant-governor of New Zealand, with my answers to the same, all bearing on subjects connected with the expenditure of his Government.

My object in forwarding these documents, is respectfully to draw your Lordship's attention to the unsatisfactory state of the financial arrangements between the two Governments, which in all probability will lead to the contracting of a debt by New Zealand to New South Wales, extremely difficult for the former colony to discharge.

Many other documents of the same nature might have been added, but the present will be sufficient, I hope, for the purpose which I have in view.

I have, &c.

(signed) *George Gipps*.From Capt. Hobson.
No. 9. 15 Feb.

10. —

13. —

14. —

Replies.

Enclosures in No. 13.

(41/9.)

Sir,

Government House, Russell, 15 February 1841.

Encls. in No. 13.

I do myself the honour to submit to your Excellency the following proposal, which has been made to me by Francis Fisher, Esq.; and if it meets your Excellency's approval, it may, as a temporary expedient, render this Government very useful service.

Mr. Fisher offers his professional services, as law adviser to the New Zealand Government, provided his salary be increased to eight hundred pounds a year (800 *l.* per annum), inclusive of his allowance as a commissioner. Should your Excellency see no objection to the proposal, I shall be glad to avail myself of the offer, having been subjected to many difficulties from the want of a competent adviser.

I have, &c.

(signed) *W. Hobson*.His Excellency Sir George Gipps,
Governor, &c. &c.

(No. 12.)

Sir,

Government House, Sydney, 2 March 1841.

I HAVE had the honour to receive your despatch, No. 9, of the 15th February last, conveying an offer from Mr. Fisher to act as law adviser to your Government, provided his salary be increased to 800 *l.* per annum. I regret, however, to state, that such additional employment, if not absolutely incompatible with his duty as a commissioner, would, it appears to me, be at least so disadvantageous to the progress of the business of the commission, that I am reluctantly obliged to decline giving my sanction to the arrangement.

I have, &c.

(signed) *George Gipps*.His Excellency Lieut.-governor Hobson,
New Zealand.

(41/10.)

Sir,

Government House, Russell, 15 February 1841.

I do myself the honour to transmit to your Excellency the copy of a letter received by the Colonial Secretary from Mr. John J. Montefiore, offering to dispose of his store-ship, Tuscan, to this Government, for the sum of 400 *l.*

Taking into consideration the many difficulties I shall have to encounter in providing accommodation for Government stores, &c. at the Waitemata, I should feel obliged by your Excellency's sanctioning the proposal made by Mr. Montefiore.

I have, &c.

(signed) *W. Hobson*.His Excellency Sir George Gipps,
Governor, &c. &c.

NEW
ZEALAND.

Sir,

Russell, 8 February 1841.

As I am on the point of disposing of the Tuscan, store-ship, of about 310 tons burthen, and conceiving that she would be very handy for a magazine hulk, bonded store, pilot station, and many other ways, for the use of Her Majesty's Government, I beg leave to tender the same for any of the above purposes, together with her ground-tackle, two lower masts, and bowsprit, for the sum of 400 *l.* sterling.

The Tuscan has six airy ports, and is six feet high in her 'tween decks.

W. Shortland, Esq. Colonial Secretary,
&c. &c.

I am, &c.
(signed) *John J. Montefiore.*

(No. 13.)

Sir,

Government House, Sydney, 3 March 1841.

I HAVE had the honour to receive your despatch (No. 10) of the 15th February last, proposing to purchase the store-ship called the Tuscan, which has been offered to you by Mr. Montefiore for the sum of 400 *l.*

In authorising you to act on your own discretion in this matter, I feel it necessary to observe, that the whole responsibility for the decision which you may adopt must rest upon yourself, and that my sanction to any purchase in New Zealand, or other expenditure not absolutely necessary for the establishment of Her Majesty's authority in the islands, must henceforth be considered only as a permission for money to be advanced to your Government and expended under your own control.

The position in which the two Governments stand to each other, seems to me to render such a view of the subject absolutely necessary, especially since the intention of Her Majesty has been announced, under the sanction of Parliament, speedily to separate them. The existence of a large debt from New Zealand to New South Wales at the time of separation would be an inconvenience to both colonies, on the probable effects of which it cannot be necessary for me to speculate.

His Excellency Lieut.-governor Hobson,
New Zealand.

I have, &c.
(signed) *George Gipps.*

(41/13.)

Sir,

Government House, Russell, 15 Feb. 1841.

I do myself the honour to inform your Excellency that I have deemed it expedient to purchase from Mr. Terry of Waitemata, a wooden house, built by Manning of London, upon the same construction and style as Government House, for 350 *l.*; Mr. Terry undertaking to erect it for that sum, of which I trust your Excellency will be pleased to approve.

I regret that I am unable to forward to your Excellency by this opportunity a copy of Mr. Mathew's report on the subject, it having been packed up and forwarded to Auckland with the colonial secretary's papers. The house has, however, been erected, and forms a very suitable appendage as an office.

His Excellency Sir George Gipps,
Governor, &c. &c.

I have, &c.
(signed) *W. Hobson.*

(No. 14.)

Sir,

Government House, Sydney, 4 March 1841.

I HAVE had the honour to receive your despatch of the 15th February last, No. 13, reporting the purchase, from Mr. Terry, of a wooden house which had been sent out in frame from England; and I have directed the auditor-general to admit the sum of 350 *l.* in the accounts of your Government for the purchase.

His Excellency Lieut.-governor Hobson,
New Zealand.

I have, &c.
(signed) *Geo. Gipps.*

(41/14.)

Sir,

Government House, Russell, 17 Feb. 1841.

I HAVE the honour to submit to your Excellency a letter I this moment received from Dr. Dieffenbach, offering his services to the Government to traverse these islands in pursuit of scientific information.

Dr. Dieffenbach's letter was elicited by a conversation I held with him yesterday, in which I expressed a wish that he would put his proposal in writing, which was much to the same effect as that which is now submitted.

Dr. Dieffenbach's attainments are of the highest order; he is most enthusiastically attached to science, and he possesses physical powers which enable him to pursue his researches to the greatest extent. My opinion is, that such a man may unfold to us the real resources of the country, and that we are proceeding blindfold until such knowledge is attained.

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The terms on which Dr. Dieffenbach proposes to travel for the Government to any point I think proper to direct him, is simply that the expenses of his journey should be paid ; and he plainly told me that these were the conditions, without salary, on which he served the New Zealand Company. In conversation he stated, in addition to what he has written, as his reason for withdrawing from the Company, that not only was he restricted to a partial examination of the country, but his researches were not faithfully reported ; and that only those parts which suited the purposes of the Company were published.

Pending your Excellency's sanction, I will propose to Dr. Dieffenbach to traverse the country between this and Auckland, the expense of which I will defray, and if it should meet your approval that he be retained in the service of the Government, I will next direct his attention to the central districts, which are at present but imperfectly known.

His Excellency Sir George Gipps,
Governor, &c. &c.

I have, &c.
(signed) *W. Hobson.*

Sir,

Bay of Islands, 16 February 1841.

IN compliance with your Excellency's request, I have the honour to lay before you the following statement :

I was engaged by the New Zealand Company, on the recommendation of Captain Washington, Secretary of the Royal Geographical Society, and of some of the most distinguished naturalists of Great Britain. My object in coming to New Zealand was entirely scientific ; that is, I wished to obtain and communicate correct information respecting the nature of this group of islands, in a geological, mineralogical, botanical, and zoological, point of view, and from these researches to derive a result as to the real value of the country as an English colony, agricultural and commercial. In this sense I have communicated to the Company full reports on the places I have visited. I have accompanied the reports by collections in all branches of natural history, which have been forwarded to London.

In wishing to exchange my position to the Company with a similar one under Government, I am guided by the persuasion that I shall thus be enabled to fulfil more fully my intention to visit the whole of the islands, instead of a part of them ; and by a close examination, to direct the attention of the Government to those places which are likely to become of the greatest importance.

Thus travelling through the country in all directions would be my chief employment. If the foundation of a public museum, and the establishment of a botanical garden, should be intended, the arrangement of the former and the superintendence of the latter seem also to belong to the department of the naturalist. I need not observe how highly beneficial the botanical garden could be made for developing the agricultural resources of the infant colony.

His Excellency Captain Hobson,
Lieutenant-governor of New Zealand.

I have, &c.
(signed) *Ernest Dieffenbach.*

(No. 15.)

Sir,

Government House, Sydney, 5 March 1841.

I HAVE had the honour to receive your despatch of the 17th February 1841, transmitting a proposal from Dr. Dieffenbach to enter into the service of Government as naturalist, and to travel in New Zealand, in order to collect scientific information for the benefit of the public.

I am well acquainted with the high qualifications of Dr. Dieffenbach, and also aware that there is much information to be acquired in New Zealand, which it is very desirable for the Government to possess, but in the position in which the two colonies stand to each other, I regret to say that I do not feel at liberty to apply any part of the revenue of New South Wales to a purpose in New Zealand which is not essential to the establishment of Her Majesty's Government therein.

His Excellency Lieut.-governor Hobson,
New Zealand.

I have, &c.
(signed) *George Gipps.*

— No. 14. —

(No. 43.)

COPY of a DESPATCH from Lord *John Russell* to Governor *Hobson*.

Sir,

Downing-street, 4 August 1841.

I HAVE received from Sir George Gipps a despatch, dated the 5th of March last, transmitting copies of the several communications which he had received from you of the dates noted in the margin, together with copies of his answers to the same.

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No. 14.

Lord John Russell
to Gov. Hobson.
4 August 1841.

No.
9. 15 Feb. 1841.
10. —
13. —
14. —

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I have referred for the consideration of the Lords Commissioners of the Treasury the following items of expenditure which you have authorised, namely, 400 l. for the purchase of a store-ship for the use of the Government, and 350 l. for the purchase of a wooden house to serve as a public office.

I approve of Sir G. Gipps's refusal to sanction the arrangements which you proposed for the employment of Mr. Fisher as law adviser to your Government, and of Mr. Dieffenbach as naturalist, on the ground of their not being, in his opinion, essential to the establishment of Her Majesty's Government in the colony.

I take this opportunity of impressing upon you the necessity of observing a strict regard to economy in the expenditure of your Government; and of informing you that unless that expenditure is kept within moderate bounds, it will not receive the sanction of Her Majesty's Government.

I am, &c.

(signed) *J. Russell.*

No. 15.
Governor Sir
George Gipps to
Lord John Russell.
5 March 1841.

— No. 15. —

(No. 62.)

COPY of a DESPATCH from Governor Sir *George Gipps* to
Lord *John Russell*.

Government House, Sydney,
5 March 1841.

Sir,

I HAVE the honour herewith to transmit to your Lordship copies of a correspondence which I have had with the Lieutenant-governor of New Zealand, on the subject of a practice recently established by Europeans in New Zealand, of taking land on lease from the natives, for the purpose of evading the enactments of the Act of Council, recently passed for the investigation of titles to land in New Zealand, 4 Vict. No. 7.

I have, &c.

(signed) *George Gipps.*

Enclosure in No. 15.

(Confidential.)

Encl. in No. 15.

Sir,

Auckland, 25 October 1840.

SINCE my arrival in the Thames, I learn that the practice of taking land on fictitious leases from the natives for long terms, which I once before had the honour of bringing to your Excellency's notice, is most universal in this district.

I should be glad of a legal opinion how I can most effectually put a stop to such proceedings, which, if allowed to be persevered in, may produce most mischievous consequences.

Parties engaged in these transactions defend their legality, because the New Zealand Land Bill does not in express terms provide against leasehold tenure, although it must be obvious to every reasonable man, that all titles must include leasehold, as well as copyhold or freehold. The remedy I propose is, for Government to purchase the fee-simple from the natives of some of these properties that are held on lease, and eject the tenants, and take possession of any improvements or enclosures that may have been made.

I have, &c.

His Excellency Sir George Gipps, Governor,
New South Wales.

(signed) *W. Hobson.*

(No. 1.)

Sir,

Government House, Sydney, 4 January 1841.

29th Dec. 1840.

WITH reference to your despatch of the 25th October last, marked "confidential," I have herewith the honour to send you a copy of the opinion of the Attorney-general of this colony on the subject of leases of land from the aborigines of New Zealand.

I have, &c.

His Excellency Lieut.-governor Hobson,
New Zealand.

(signed) *George Gipps.*

Sir,

Attorney-General's Office, 29 December 1840.

I HAVE the honour to acknowledge the receipt of your letter, dated 7th instant, transmitting a confidential despatch (herewith returned) from the Lieutenant-governor of New Zealand, reporting the practice by settlers of occupying land on fictitious leases from the natives, and requesting me to point out in what way the occupation of land on lease from the natives can be put a stop to.

In reply, I beg leave to state that the ordinary mode of ejecting unauthorised occupants of Crown land, is by the common law form of proceeding, viz. information of intrusion filed by the Attorney-general.

The Act of Council, 4 Will. 4, No. 10, amended by 5 Will. 4, No. 12, gives power to the Governor to appoint commissioners, who may prevent intrusion on Crown lands, but before this Act be acted under, it would be advisable for some officer on behalf of the Government to erect beacons or some land-mark to indicate that the Crown took formal possession. The invalidity of the titles set up under leases from the chiefs can only be decided conclusively and satisfactorily in the Supreme Court.

The Honourable the Colonial Secretary.

I have, &c.
(signed) *John H. Plunkett*,
Attorney-general.

(No. 41/15.)

Sir,

Government House, Russell, 17 February 1841.

I HAVE the honour to acknowledge the receipt of your Excellency's letter of the 4th January, enclosing the opinion of the Attorney-general of New South Wales on the subject of leases from the aborigines of New Zealand.

The opinion of the Attorney-general, with every deference to that gentleman, does not, I imagine, meet the case complained of. If the lands held on lease from the aborigines of New Zealand could be deemed Crown lands, the course to be adopted is plain and obvious; but those lands are the property of tribes, and the parties holding them, not laying claim to them in fee, do not deem it necessary to prefer any claim before the Commissioners, but continue to occupy and cultivate them as tenants under the chief. The question is, How are such persons to be dealt with?

His Excellency Sir George Gipps,
&c. &c. &c.

I have, &c.
(signed) *W. Hobson*.

(No. 16.)

Sir,

Government House, Sydney, 6 March 1841.

I HAVE had the honour to receive your despatch, No. 15, of the 17th February 1841, pointing out that the opinion of the Attorney-general transmitted by me to you on the 4th January last, on the subject of leases taken by Europeans from the aborigines of New Zealand, does not meet the difficulties of the case formerly represented by you.

I perfectly agree with you that the Attorney-general's opinion does not meet the difficulties in question, unless by some previous operation the lands can be made to bear the character of Crown lands: this, however, they may be made to do by purchase or cession from the natives; and if it be rightly understood that leases from the natives will not be admitted as valid by the Crown after the lands may have been purchased, the practice of taking land on lease will, I apprehend, speedily fall into disuse. Should this, however, not be the case, a legislative enactment may be necessary to stop the evil.

Such an enactment must be based upon the principle that uncivilised tribes, not having an individual right of property in the soil, but only a right analogous to that of commonage, cannot, either by a sale or lease, impart to others an individual interest in it, or, in any words, that they cannot give to others that which they do not themselves possess.

You are aware that this is a position which I maintained in Council when the Act of the 4th Vict. No. 7, was under consideration; but until that principle shall have received the sanction of Her Majesty's Government by the allowance of the Act referred to, I should be unwilling to bring it again into discussion; and therefore I think that no legislative measure to restrain the granting of leases can be introduced at present.

You should, however, avail yourself of every opportunity to declare that Her Majesty's Government will not suffer so manifest an invasion of the Act of Council before alluded to, as the practice of taking leases from the natives would, if recognised, establish.

His Excellency Lieut.-governor Hobson,
New Zealand.

I have, &c.
(signed) *George Gipps*.

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— No. 16. —

(No. 42.)

COPY of a DESPATCH from Lord *John Russell* to Governor *Hobson*.No. 16.
Lord John Russell
to Gov. Hobson.
3 August 1841.

Downing-street, 3 August 1841.

Sir,

I HAVE received a despatch from the Governor of New South Wales, dated the 5th of March last, No. 62, transmitting copies of a correspondence which had passed between that officer and yourself on the subject of a practice recently established by Europeans in New Zealand of taking land on lease from the natives, for the purpose of evading the enactments of the Act of Council for the investigation of titles to land in that colony.

In order to put a stop to such proceedings, you will immediately introduce to the local Legislature an Act, declaring the invalidity of those leases from the natives, and of every other alienation of their lands (in whatever form, or subject to whatever conditions, or for whatever time such alienation may have been made by them) in favour of any individuals since the proclamation of Her Majesty's sovereignty in New Zealand.

I am, &c.
(signed) *J. Russell*.

No. 17.
Governor Sir
George Gipps to
Lord John Russell.
5 March 1841.

— No. 17. —

(No. 63.)

COPY of a DESPATCH from Governor Sir *George Gipps* to
Lord *John Russell*.Government House, Sydney,
5 March 1841.

My Lord,

16th Feb. 1841.

I HAVE the honour herewith to forward a copy of a despatch from the Lieutenant-governor of New Zealand, dated the 16th February last (received the 4th instant), in which the Lieutenant-governor announces the removal of the seat of his Government from the Bay of Islands to the Town of Auckland, on the River Waitemata, which falls into the frith of the Thames.

The Lieutenant-governor in this despatch alludes also to some rumours of disagreements with the natives, which your Lordship will be happy to find are altogether unfounded.

I have, &c.
(signed) *George Gipps*.

Enclosure in No. 17.

(41/12.)

Encl. in No. 17.

Sir,

Government House, Russell, 16 February 1841.

I HAVE the honour to inform your Excellency that on the 3d instant I returned from Auckland, where during three weeks, I found ample employment in hastening the preparations for the reception of the Government officers, and in establishing temporary offices necessary for carrying on the duties of Government. On the 13th instant I despatched by the *Victoria*, the colonial secretary and the clerks of his department, and nearly all the Government stores that remained at this place. In a week, or at farthest in ten days, I will send up the colonial treasurer and his department, and in a fortnight afterwards I hope to be myself finally established at the future capital of this colony.

I was much gratified at the progress made by the workmen; the frame of Government-house was completed before I left, and the offices on one wing were then ready for occupation by my family, being just sufficient to afford them shelter until some of the rooms of Government-house are completed, and fit for their reception. A very considerable body of persons had then collected, and every day has been adding to their numbers; all seem anxious to establish themselves there, and are apparently much pleased with the position.

Previous to my arrival considerable excitement had prevailed, in consequence of a most absurd and unfounded report, that a large body of natives, of the *Nga-te-pa-wa* tribe had collected in the island of *Waikeke*, with the intention of attacking the settlement; that the military had blockaded themselves in their barracks, and the settlers and mechanics were formed into squads under the Government officers, for the purpose of defence. Before I reached Auckland it was discovered that the reports which caused the agitation had no foundation; in fact, all the ferment had subsided. Soon after my arrival, a deputation from the suspected tribe waited on me, and denying any intention of molesting us, only seemed solicitous to recommend themselves to my favourable consideration. A similar sensation had prevailed here in my absence, but not to the same extent.

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It might appear to your Excellency that these alarms having taken place so nearly simultaneously, must have some grounds. I feel assured they have not; that the natives generally are not indisposed to us; but that disaffected white men, who as yet I have failed to detect, are endeavouring to sow discord in the country, and part of their scheme is to create suspicion in the minds both of the natives and of the settlers.

I greatly regret that I have it not in my power to place competent garrisons at the principal points where Europeans are established; their presence alone would be quite sufficient to restore confidence to all parties.

His Excellency Sir George Gipps,
Governor, &c. &c.

I have, &c.
(signed) W. Hobson.

— No. 18. —

(No. 65.)

COPY of a DESPATCH from Governor Sir *George Gipps* to Lord *John Russell*.

No. 18.
Governor Sir
George Gipps to
Lord John Russell.
7 March 1841.

Government House, Sydney,
7 March 1841.

My Lord,

I HAVE the honour to forward herewith a copy of a report made by Mr. Clarke, Protector of Aborigines in New Zealand, to the Lieutenant-governor of that colony, containing an account of a visit made by Mr. Clarke to the natives of the districts of the Thames and Waikato.

Report.

These districts comprehend, I believe, by far the largest block of land in New Zealand, that is in its whole extent fit for cultivation. Its length is said to be 100 miles, its breadth from 10 to 30, and its content is roughly estimated at about a million of acres. The existence of this large extent of available land was, I believe, one of the principal reasons which induced Captain Hobson to fix the seat of his Government in the estuary of the Thames.

I lament to find by the report of Mr. Clarke, that the minds of the natives in these districts have been worked upon by some designing and dissatisfied Europeans, so as to induce in them a distrust of the intentions of Her Majesty's Government. I concur with the Lieutenant-governor in thinking that means should be taken to counteract their machinations; and I have signified to him that I shall readily sanction whatever expenditure he may consider necessary for the purpose.

I have, &c.
(signed) Geo. Gipps.

Enclosure in No. 18.

PROTECTOR OF ABORIGINES' REPORT of his Visit to the *Thames* and *Waikato*.

Encl. in No. 18.

ON the 10th December I embarked in the *Victoria* brig, proceeding to the Thames, for the purpose of visiting the chiefs of that district, and as far as possible to counteract the ill feelings of the natives towards the Government, arising from their natural jealousy, and strengthened and encouraged by designing men; to describe the state of the country through which I might pass; and to treat with the natives for such portions of their land as they may be disposed to part with, and can conveniently spare.

On the 19th December, having received my instructions from his Excellency the Lieutenant-governor, I left Auckland, and proceeded to examine a small river called *Wairoa*, which forms the western boundary of Mr. Fairburn's land.

The river takes a southern direction, and is entered by the passage to the eastward of *Waiheke*, leaving the islands of *Paheke* and *Motu Nau* (islands purchased by the New Zealand Company) on the eastern side.

The river is navigable for small craft drawing six feet water for about eight or ten miles, for boats and canoes about six or eight miles higher up. The land on the banks of the river is good, but confined, the back ground well wooded, on either side of which neat little farms of from 50 to 100 acres might be laid out.

A day's journey from where it is navigable for boats, is a tract of good country offered by the natives to the Government; but it appears to me it would be some time before this place could be made available for the purposes of Government; other positions of a more important and more inviting nature will no doubt first be occupied; yet in the course of a very few years this may be taken up as a position with advantage; it is covered with timber, and the land very good. The only objections are the present difficulty of access,

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and labour in clearing the land; if, however, the natives were disposed to part with land from the entrance of the river, the whole might be immediately located with advantage to settlers. I proceeded up the river until it became so choked with timber, that it was dangerous for the boat to go further.

From Wairoa, I proceeded to Orere, a place on the western side of the Thames, where I met with Kahukoki, one of the principal chiefs of the Nga Ti Pawa tribe. He said that since he saw the Governor at Tamaki, in July last, he had heard from Europeans that in the course of a very few years all those chiefs who had signed the treaty would be no better than slaves; they would soon be driven from the sea coast into the interior; while those who have refused to sign it, will maintain their independence and keep their land. I reminded him of the pledge given, both in the treaty, and in the circular addressed to him and others, and of the general character of those who were disseminating such poison amongst them, and prejudicing them against the Government. At Orere there is an extensive tract of good land, but not so much as a boat harbour about the place, and cannot be approached when the wind is strong from the north-east or east; it is, however, well adapted for natives and native culture; the natives on landing immediately haul up their canoes.

Orere is a stony, pebbly beach, about 10 miles below Wakatewai. At this place I took in a guide for Piako, and proceeded towards Wakatewai. The wind setting in strong from the south, obliged us to go on shore at a place called Waihopuhopu, about four miles below Wakatewai, where we spent the night with a large party of natives, who engaged us in conversation until midnight. We found them hospitable, for they supplied us with abundance of fish, but were very apprehensive, they said, as to what the Governor was about to do with them and their land. They were told that a large house (a prison) was to be built, in which they were to be confined, and they would soon become as dependent and degraded as the natives of New South Wales, many of whom they had seen on their visit to that country.

I told them that it was correct that we built prisons for bad men, and probably their advisers were apprehensive of becoming inmates of such a place. It was evident (I said) that the conduct of the natives was generally so good that they had nothing to apprehend on that head, for, with the exception of one case, all who had been sent there were Europeans, from which circumstance, they would see how necessary it was that they should have a governor to protect them from the influence of such men.

They were pleased to learn that prisons were only wanted for Europeans.

From Waihopuhopu, we started at four o'clock in the morning, crossing the Thames from Wakatewai to the mouth of Piako. The ebbing tide obliged us to land at Kaweranga, on the east side, where we waited for the flood to enter Piako.

Before I leave the western side of the Thames, I wish to remark, that the whole of the land from Pakiki to Piako, (the island by Waihiki,) a distance of 30 miles, is in possession of the natives. The back ground is high, well timbered, and watered. There is a large portion of good land for farms of any size; it is, however, better calculated for native culture than European. In general, the land is capable of bearing three large crops of wheat, and in many places level enough for plough culture.

There are, however, no harbours, not even for a boat; but as the westerly and south-westerly winds mostly prevail, vessels may lie off, and until the produce can be taken off to them. The natives of Wakatewai, and indeed all the places where we stopped, had much to say as to the probable intentions of Government towards them. They observed they were to be put down, but the Governor and Europeans were to be exalted.

I had to employ all my eloquence, aided by William Hau, a young chief, who accompanied me from Waimate, to persuade them that their advisers had misrepresented the object of Government, as it was so contrary to all the assurances given them by his Excellency, not only in the treaty and circular addressed to them, but at all public meetings.

One of the chiefs replied that the Governor's book was very good, likewise his talk (korero); but they should watch his actions with some jealousy.

Another chief objected to their present position, because he said, that however good our present Governor might be, he had heard that in a few years they might expect another, who, perhaps, would not be so well disposed towards them; and then turning quickly round to me, he said, "What has that other man on the other side of the water to do with us?" (meaning his Excellency Sir George Gipps,) "they had never seen him, nor he them, neither had he visited their country, yet they had been given to understand that he and his committee" (meaning members of council) "were about taking their land from them" (meaning probably legislating for them). I satisfied them before I left, that they must have been misinformed, and that all land transactions would be conducted as that at the Waitemata, where a fair equivalent was given for all the Government was supplied with.

At four in the evening we entered the Piako with the flood, proceeded a few miles, when we brought up for the night.

The following morning at four o'clock we commenced our course up the Piako with the flood tide, which for eight hours carried us up at the rate of about four miles an hour, through one continued course of swamp; the last four miles the banks of the river were higher, and the land more solid, when at length we opened upon an immense flat, extending over a country as far as the eye could reach. There is, however, a large proportion of swamp in connexion with this plain, and I must confess, I was somewhat disappointed at finding the banks of the river so low as to render the immense swamp, from the entrance of Piako to this place, a distance of nearly 40 miles in the circuitous route of the river, unavailable

unavailable for agricultural purposes, with the exception of one small place, about 10 miles from the entrance.

On the east side there are two small branches from the Piako river, running south-east, one takes you nearly into the Thames, the other goes through the plain to Mata Mata; the one about 10 miles from the entrance, the other about 30.

Every winter the swamp from the entrance of Piako to the interior, for about 30 miles, is an inland sea, in which nothing but water and the tops of a few kahikatea trees are to be seen, with canoes sailing in all directions over the expanse of water. The only place secure from these inundations is the little elevated spot on the east side, about 10 miles from the entrance of the river, which, in winter season becomes an island, and if a small town was built thereon, it would remind you of those on the Nile, at the time it overflows its banks. I see no probability of redeeming a country lying so low, and receiving such an immense body of water from the interior, with a channel of little more upon an average than 10 yards wide; at any rate it must be many years before it can in any part be made available, and only then with the outlay of immense capital, and a redundant population.

About 30 miles from the mouth of the river you commence a large extent of country available for agricultural purposes.

The principal wood in the neighbourhood is the white pine (kahikatea), and in some places it would have to be carried a considerable distance.

Upon the western side of this river is the extensive purchase of Mr. Webster, who claims upwards of 40 miles frontage, two-thirds of which is unavailable, being swamp; the upper part is good. The depth of the river for about 30 miles up is not less than eight feet. I left Piako at five o'clock in the morning to return to the Thames, and after six hours' pull, landed on a little eminence in the Piako river, and found it more extensive than I had expected; several farms might be laid out, and a communication opened between them and the Thames, either by land or water.

After waiting for the tide for about two hours we made Kaweranga soon after sunset, and the following day, being Christmas day, remained quietly at the mission station, and early the following morning sent the government boat and boat's crew on to Auckland, having succeeded in procuring a boat from Mr. Preece, church mission station, to take me up the Thames on Monday next. In the meantime I visited the chiefs at Kaweranga, to correct the information generally in circulation amongst them, that the plans of Government are inimical to the welfare of the natives, and will ultimately prove the means of their destruction.

This principle seems deeply rooted and widely disseminated around, and time only will eradicate the feeling, the New Zealanders being a people who will be better convinced by practical illustrations of the intentions of Government, than by lengthened discussions. I have the promise from most of the chiefs that they will visit his Excellency when he is finally settled at Auckland.

Monday, 28th, commenced my survey up the Thames, that part of it known by the name of Waihou, accompanied by the principal chief Hou, to whom the land belongs. We made about 15 miles with the flood, when we went on shore at a native fort named Kari, opposite the land purchased by Dr. Martin and Mr. McCaskel.

The banks of the river about here are not more than two-and-a-half feet above the top of spring tides, which rise to six or eight feet, and at low water there are not more than five or six feet over the flats. The soil is rich, and during heavy rains in the winter season has been known at times to be flooded.

There is one great drawback to the immediate cultivation of this land, namely, that it is heavily timbered with kahikatea; it will require great labour to clear it, but being on the banks of a river, the timber might be available, either sawn on the spot or floated down in logs to any market in the Thames.

In the evening we went on shore at a native village belonging to a powerful chief, whose name is Taraia; here the banks of the river are much higher, and secure from all floods. We were well received by Taraia, who had heard that I was deputed by the Governor to visit them, and disposed to purchase any of their lands they might feel free to give up.

The old man arose, and vociferated for an hour to his people and visitors, not very sparingly, on the rank his family held; and told his people to be very careful how they parted with their land, and the necessity of demanding a large payment, not omitting to assure them that the whole of the Thames was tapu, or sacred land.

The conversation lasted until after midnight, when the old chief consented for us to proceed up the river to look at the land, assuring us that the Waihou river (the Thames) had always been held sacred, and that no one had dared to profane it by passing his residence to sell land, although attempts had been made by some of the Thames chiefs to introduce Europeans; but all feared the notice of his musket and the keen edge of his hatchet.

Again have we had to labour against disadvantageous reports carefully circulated, and to assure the natives that His Excellency had the interests of the New Zealanders much at heart. After these assurances, Taraia arose and said, such a Governor as described was welcome; his land was waiting to receive him, and his river, which had hitherto been held sacred, was now open to receive him, or any person he might like to send; but he urged that Europeans should be immediately sent to take possession; he did not, he said, want missionaries nor native Europeans, but he wanted gentlemen and soldiers.

A native standing by asked the old man if he would not be afraid to see so many Europeans settled about him. He replied, "If I was a thief or a murderer I might; but as I

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am neither, why should I fear? Besides, I am now disposed for peace; it would be well to have some soldiers to take care of me.

"Mr. Clarke," said he, "urge the Governor to make haste; tell him my father and grandfather were both treacherously murdered. We never feared any man in battle; we were never cowards; but they fell by treachery, and now that I am giving up war I shall fall the same way, unless I have some soldiers. Tell him I must be allowed to exercise some influence over my own people; if they steal, I must punish them. That is all I have to say to you. Go up my sacred river; go where you like; and let me soon know what the Governor says to my proposals. Remember I am a jealous man, and shall not forget your description of the Governor and his intentions towards us."

Dec. 29.—From four o'clock in the morning until sunset we were pulling up against the stream in fresh water. Landed in different parts of the river to ascertain the character of the country.

The soil is good, sufficiently elevated to be secure from floods; part wooded and part clear, adapted for immediate culture. The water at this season is very low, yet we had about six feet during the day, and by calculation made about 20 miles.

This part of the river is uninfluenced by the tide; we had to pull against the stream, running in most places three miles per hour.

I have scarcely seen a piece of land to-day on which pretty farms might not be made and laid out to great advantage.

The country being partially timbered, farming operations might immediately commence.

Dec. 30th.—At daylight we pursued our course up the river Thames, commencing at the proposed northern boundary for the Government.

The river is here very circuitous, affording by its bends great facilities for fencing off pretty farms, three sides being bounded and fenced by the river.

In a direct line we have not made more than ten miles during the day, having had to pull against a strong stream, carrying a depth of from five to six feet water; the river from 50 to 60 yards wide; banks from eight to twelve feet above the bed of the river, and interspersed with small woods of kahikatea growing down to the water's edge; soil from one to two feet deep at the banks; sub-soil light. No further labour to commence ploughing than burning off the fern. Cultivators would be spared the trouble of clearing off the heavy timber with which the first 30 or 40 miles of the Thames abounds; but it must be confessed the soil is not so good, and in some places barely sufficient timber on the spot for the use of a farm.

Dec. 31st.—Commenced my journey towards the Mata Mata, along the banks of the Thames, at about 10 miles to the southward of which a noted place called Waiharakoke, is the southern boundary proposed for the Government, and which by mutual consent of the Mata Mata and Thames natives also forms their division of their country.

From Waiharakoke to Waitoo, a principal branch of the Piako, is the proposed south line or boundary for Government. There are no cultivations; parties having for years been hostile to each other are afraid to cultivate near the borders.

The proposed Government land is an immense tract of level country, varying in width from eight to ten miles, and in length near 20 miles. The soil is light, varying in quality; upon the banks of the river rich, further removed from the banks of an inferior quality.

There is but very little of this large tract of country but might be cultivated; even the swamps would admit of immediate use at a small expense, and if drained would afford the very best of arable or pasture land.

There is a want of timber in some part of the plain, but the country is so level as to admit of the timber carriage or dray to take it to any part required.

Arrived at Mata Mata towards evening. Mata Mata is about 16 miles from the general landing place for the Thames.

Mata Mata settlement is in the midst of a large forest of kahikatea and rimu, which has been almost destroyed by flies: it is surrounded by an immense swamp, the whole of which seems to me to be capable of easy drainage, thereby rendering it by far the most valuable land on the place. These swamps are highly prized by the natives, on account of the eels with which they abound; and as they have abundance of land besides this, it is an object of interest to keep them, as such parties are not unacquainted with the art of draining; and when the subject is pressed upon them they commonly say, "Shall we destroy our eels, when we have plenty of land besides this?" The outlets to these swamps abound with small native sluices, where they put down their nets and catch abundance of eels after the heavy rains.

I should, in draining these swamps, commence cutting my main ditch from the sluices, into which smaller drains should be carried; and I have no hesitation in saying, that this work would be accomplished at a much less expense than that of clearing the forest, the ditches, with the soil thrown out, forming the inclosures.

The chiefs of Mata Mata received me well, tendering me their best accommodations.

After adjusting my travelling accompaniments, and having had a little refreshment, I was requested to listen, and answer the various reports in circulation respecting the Governor and his intentions, prefacing their remarks by saying they confided in me for a correct statement, and desiring that nothing should be hid from them. They had heard of the state of America, of New South Wales, and of many countries taken possession of by Europeans, and they could not but be jealous of the intentions of the British Government; but very few natives, they said, in this district had signed the treaty, and these few only

on the good faith of the missionaries; the reason was, they were not, nor would they be slaves.

They had been told by Europeans, who had already manifested a different tone of feeling towards them, that they were gentlemen no longer; that they were prohibited from selling their land, except to the Queen, and that very soon other laws would be in operation which would make them no better than slaves; that this would not be accomplished all at once, but by degrees; that governor would succeed governor, with new regulations, until the object was accomplished: already they were called the slaves of the Queen, and were threatened with imprisonment if they, the Europeans, could not drive a good bargain with them.

After a very long talk (korero) I was asked for my reply. I drew their attention to the general character of the Europeans, who appeared to me to have been their ill-advisers, and to the character of the British Government, which had pledged itself in their representative, the Governor, to secure to them all their rights and privileges, and had placed them upon the same footing, yea, a better one than myself.

If they were slaves, so was I; they by the treaty became British subjects, and entitled as such to all the privileges. They had, on the one hand, the word and assurance of a nation which prided itself on its honour and integrity, and on the other, the word of men whose designs were too evident to admit of a doubt. It was for them to say who deserved the most credit; and as they had appealed to me, I had no hesitation in saying, that I placed the most implicit confidence in the British Government, or they would not have seen me as their protector, endeavouring to correct the errors into which they were likely to be led through misrepresentation; and then appealed to them as to what would have been the consequences had not the Queen sent out a Governor to protect them. They replied that they would have adopted their laws to keep them, the Europeans, right.

I was seconded by my very valuable native, William Hau, who not only corroborated my statement, but added a great deal of his own.

The natives of Mata Mata had heard of the intention of the Governor to pay them a visit, and expressed themselves very desirous of seeing him. As it respects the general peace meeting, they said they had declined that owing to the failure of their crops, they not being able to entertain 3,000 or 4,000 people for a month, which according to native custom they must do. They wished the Governor to understand that they were at peace with the Thames natives; but had no prospect of a peace with the Rotoroa tribe, unless something could be done respecting Maketia, the bone of contention, they were not willing to relinquish their claim to that place. They were apprehensive that the Governor would find the Rotoroa natives, were he to visit them, a very rude tribe.

They had already affected to despise the Government, and had been made acquainted with the history of colonisation, and with the customs and wars of our country with other nations, and from thence justified their wars, requiring that no one would interfere with them.

From Mata Mata I proceeded in a south-east direction for a place called Maungatautau, continuing upon the same plain for about eight miles, when the country became more broken and sterile, presenting vast masses of pumice stone. This character of country is continued to the Horotu or Waikato River, the banks of which are very uninviting and unadapted for agricultural purposes. At one place I observed one vast jamb of sand, not less than 150 feet in depth, from which place this part of the river takes its name.

We crossed the Waikato river about 20 miles from Mata Mata, over a native bridge; the stream rapid, deep, and at this particular place narrow, not navigable so high up on account of the falls, the source of the river, about Taupo. After leaving the banks of the Waikato, we entered a much better description of highland country, which continues improving until you arrive at Maungatautau, a large native residence, where there are several strong native pahs; it is about 20 miles S.S.E. of Mata Mata.

The natives of this place are most of them professed Christians, and from a formidable, warlike people, are now become an industrious, peaceable community; most of them can read and write. Their intercourse with Europeans, from their inland situation, has been but little; they retain, therefore, much of their native simplicity and hospitality, softened and improved by their reception of Christianity. They are dependent on their pigs, which they rear in vast quantities, to supply them with garments, guns, and powder. My natives being very much galled by the heavy journey, and the weather being wet, we stopped at Maungatautau until Monday, when we had an opportunity of learning the general feelings of the people respecting Government. They were not unacquainted with the general reports in circulation, but were less clamorous than many of the natives we had met with; they were not, however, without their misgivings, and were very inquisitive as to the ultimate intentions of the Queen respecting their country. They had hitherto, they said, been guided by the missionaries, and should continue to be so until they had reasons to believe they had been misled by them; then they would consider them as the authors of their misfortunes, and accountable for all consequences.

They inquired after Kihī, the native who is in prison at Russell; some of them were relations. All said his sentence just; a murderer ought not to go unpunished.

Monday, 4th.—I left Maungatautau for Otawoa, a large native settlement near the Waipa, the principal branch of the Waikato, on which a great body of the Waikato natives are living, which place we reached in about 10 hours. The country through which we passed was much better than that on the other side; Maungatautau Otawoa is a large open country, with a rich light soil. A few years ago the whole was covered with timber, principally

cipally kahikatea, but through the very injudicious way in which they have destroyed the timber, a famine of that article must in a few years ensue.

Several European traders in pork are stationed about this part of the country. A communication with Kawea and Wangaroa, on the western coast, about two days' journey from hence. Otawoa (and the adjacent country), is capable of supporting a large population, and being generally level, is well adapted for culture with the plough; and having water carriage to the spot, possesses facilities for taking the produce to Waikato; from there it might be transported to Maunkau by way of the Awaroa.

Otawao is about 120 miles from Waikato, 45 miles from Mata Mata, and about 60 miles from the landing place up the Thames.

The natives were anxious to know the object of my visit, and what dependence they ought to place on the reports in circulation. They had heard that his Excellency Sir George Gipps was legislating for them, and asked why were not his regulations translated into native, that they might read and judge for themselves.

Were the English the only people interested in the laws he was making? Was the country his otherwise than by theft? I had said that they were misled by designing men; "Let us see, let us see whether it is so or not," they replied, "we are now a reading people; render Government acts and designs into native fairly, and then we will think for ourselves for the future."

I endeavoured to appease the minds of the natives, who were evidently a good deal excited, and assured them that the Governor had given publicity to his intentions at all public meetings, in the circular, and in the treaty itself, and that one especial object was the protection of the natives. One fellow artfully replied, "Does he (Sir George Gipps) love us more than his own countrymen?" observing that if Europeans' land was to be taken from them, was theirs only to be saved? In their present excited state I found it would be imprudent to say anything to them about purchasing land, but inquired what purchases had been made by Europeans, and learnt that nothing had been sold, save a few hundred acres to a man by the name of Turner, who has been living some years with a native wife on the Waipa.

I inquired how and where they had got their information respecting what was doing on the other side of the water; they told me it was from Europeans and from "Rewa," and that they were advised by him not to sell their land to Government.

After hiring a canoe we pulled from a little below Maungapowri, and spent the greater part of the next day in exploring this part of the country, which we found rich and well calculated for farms to any extent. Natives are living scattered on the banks of the river, cultivating here and there a portion of the rich alluvial soil. On the 6th we continued our course down the Waipa, landing at different places to examine the country and to speak to the natives.

We scarcely took a step that did not delight us; the soil good, the banks of the river high, interspersed with woods of kahikatea. The river is from 50 to 60 yards wide, and about eight feet deep, a gentle stream sweeping us along at about two and a half miles an hour. Here the banks of the river were covered with wild-ducks. About fifty miles from Maungapauri we entered the Waikato, at a place called Ngaruwaki, the Waipa being only a branch of the Waikato. From Ngaruwaki the river widens from half a mile to a mile, about 10 miles below which it becomes studded with islands; shoally at places, scarcely admitting a boat over them; the water, however, is exceedingly low just now.

We went on shore for the night at a place called Pukatia, about 25 miles below Ngaruwaki, near which is a lake called Wakari, entered by a narrow stream from the north-east side of the Waikato river, about seven miles long and two wide, and, according to native report, has a subterraneous communication with the Thames. The middle of the lake is salt, and abounds with the salt-water mullet. At Pukitea I had a grand meeting with the natives, who beset me on every side, calling for explanations. A Mr. Marshall had assured them that they and their country were sold to Government; they did not like the treachery of the British Government. If they wished to take their country, why not do it openly, they would then know how to act; but for the paltry consideration of 13 blankets (alluding to a present of 13 blankets sent by his Excellency) had they been betrayed to sell their country. "Mr. Maunsel," said another, "has sold us and our country; Mr. Marshall says so, and he must answer for his conduct." After a great deal of clamour from different parties I was permitted to speak on behalf of Government, and of Mr. Maunsel also.

They had, I said, in their hands the magna charta of the country, securing to them everything which would make them respected. Their land and everything they had was their own, and no one could possess themselves of an inch of it without their consent. England, I said, abhorred slavery, and would treat with them, and act towards them with a scrupulous integrity as free men. I again adverted to the more than probable disaster in which they must have been involved had not the Governor been sent to protect them; and that, as other nations were not unmindful of the country, they themselves being apprehensive of their designs to colonise it, measures far less humane would then have followed in the train of their colonisation, and resistance to them would have ensured their destruction. "No," they replied, "a New Zealander glories in dying fighting, and if the French (for they were alluding to them) had only honestly avowed their intentions, though we in the end might be overpowered, yet we would rather die fighting than be made slaves, or suffer our country to be taken from us: we fear nothing so much as treachery and slavery."

I assured

I assured them that ultimately they would not have to regret the establishment of a humane government amongst them, and begged that they would suspend their judgment and avoid harsh expressions, until circumstances arose to justify them; and even then, whatever the grievance, or supposed grievance, might be, to present them unaccompanied with that temper and clamour with which our present conversation was conducted. William Hau again made his remarks, telling them that they had not seen so much of the Governor as he had; and for want of better knowing him they made their several remarks. They had known the missionaries some years; they had not yet disappointed them. Mr. Maunsel had never intended the blankets otherwise than as presents to the chiefs; at any rate sit quietly until you see your land taken, and your fathers and your children killed, then you will have cause for complaint. With this we hardly quieted the natives, who, although so late, wanted to have more 'kororo.'

We left Pakelia soon after sunrise, pulling down the river, assisted by the stream, at the rate of four miles an hour. This part of the river is beautifully studded with islands, most of which are heavily timbered, and several of them large. They were, however, low, and must be under water in heavy floods.

In about eight hours we reached the Rev. R. Maunsell's, one of the church mission stations, where we spent the following day.

The Waikato district is very extensive, not less than 130 miles from the mouth of the river to the upper part of Waipa, to which place it is navigable for boats and canoes. The water is perfectly fresh to within eight or ten miles of the Heads, and but slightly influenced by tide, more than 20 miles up; not more than six feet water on the bar at low water; a miserable entrance, and at all times hazardous, and a number of shoals in the river. Small craft drawing from five to six feet water, by keeping the channel, may go 100 miles up the river; a large proportion of the country is good; the first 40 miles well wooded, but low; the upper part is also well supplied with wood, and well adapted for farming establishments to almost any extent.

From Waikato to Maunkou, where the news reached us of a massacre having taken place in the Bay of Islands.

The Rev. H. Williams, C. M. S., the military, and others, had fallen victims. It was represented that an attack was also contemplated upon Auckland; the place was being fortified, and all were in an attitude of defence. The whole tale seemed so very improbable that myself and natives that were with me did not hesitate pronouncing the whole a fabrication, and when we reached Maunkan, a church mission station, we found that though such a report had been carefully circulated by two Europeans from Wakeko, and considerable alarm given thereby at Auckland, that it was altogether without foundation, and was eventually contradicted by the arrival of a small schooner from the Bay of Islands. The following day I met Davis, and other chiefs, who carefully detailed all the consternation, with the formidable preparations they were making at Auckland, the narrow escape of the Government horses, and Captain Symond's boat, and boat's crew, from the military and armed mechanics, the mighty parade of officers, the watchword of sentinels, and above all the ludicrous appearance of Pa Kaiko (Cask Fort.) I could scarcely refrain from laughing at the native recital, and at the gravity of some of the chiefs, who with me were listeners, and was seriously told by them that the preparations that were making to quarrel with them ought not to be so lightly treated; that I ought to ask the Governor if he really wished to quarrel with them; they were apprehensive he was seeking some pretext. They would not, they said, begin the quarrel; but what were they to do when they saw their countrymen fall. They were more jealous than ever that some evil was lurking behind for them. The Governor was evidently losing confidence, so were they, for they had heard it was contemplated to stop the sale of guns and powder. "If this is a fact, what do you think must be our thoughts upon the matter? Does the Governor wish us to be friendly? Tell him, then, never to make such a negotiation as to stop the sale of guns and powder."

I replied that I had no doubt but that the Governor was as unacquainted with the whole of the grave matter at Auckland as I was. Again, I assured them he had always shown a friendly feeling towards them, and would continue so to do while they conducted themselves friendly to him. I had never myself seen such a notice as they named, namely, that the Europeans were not to sell guns and powder, and that I did not think there was such a thing in existence. I advised them to be more temperate in their expressions, and to conduct themselves with propriety, and they had nothing to apprehend.

I returned to Auckland after an absence of a month from thence; visited Kabukott at Wahike, who said he could not sell the land about Ramaki until he had consulted with some of his friends on the other side of the Thames, and that he intended making a reserve there of land for himself.

I left Auckland to return to the Bay of Islands on the 21st January, arrived on the 26th.

Remarks.

From the outlines of my visit his Excellency will at once perceive the necessity of approved officers being stationed so as to visit the natives, to correct evil disseminations and misapprehensions arising therefrom; it is of the greatest importance that such officers should be of strictly moral habits, acquainted with the native language, and deeply interested in the social and moral welfare of the natives. They must also have the confidence of the natives as well as of the government. The New Zealanders are jealous of their liberty, as well as of their lands; they see them intimately connected, and they are carefully watching and comparing every public act, deducing from thence positive conclusions as to the line of

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conduct that will be pursued towards themselves. They cannot comprehend how that measures so healing and lenient can be shown to them as towards Englishmen.

The tone of feeling manifested towards them by Englishmen, since the establishment of government, has not escaped their notice; they are continually threatened with complaints, and assured that coercive measures will follow these complaints; from thence and from the ill usage, several very serious quarrels would have taken place, but for kind interference of influential Europeans; and here I would suggest that Europeans should be cautioned, not only to withhold their threat, but from presuming for protection from government, while they continue the provoking first transgressors.

It will not escape his Excellency's notice, that incorrect (probably intentionally so) statements of government notices, Acts of Legislative Council, remarks in newspapers, respecting the country, have given rise to much of the present angry feeling and opposition apparent amongst the natives.

They cannot imagine why the government should keep them ignorant of their acts, and cannot but view those as friends who communicate them. They have repeatedly required that publicity should be given to everything done in which they are so deeply interested. It is impossible to keep them ignorant of the passing events of the day, and it would be much safer to pass them through the hands of government than in the garbled state they must meet their ears, from people not only very partially acquainted with the language, but in many cases inimical to the government. The rapid advancement the natives are making in civilization, will appear not only from the extent of their cultivations, but from the fact, that there was scarce a village through which we passed that had not its village school and chapel; and in every place the sanctity of the Sabbath strictly observed. There is a thirst for reading, and continued applications for books. In the Thames and Wackald there are several thousand natives who can and are being taught to read and write. Great crimes are rarely heard of, but from among those who tenaciously adhere to their native and heathen prejudices. Wars have generally ceased, and cannibalism is spoken of with abhorrence. The very intelligent remarks that are continually made, show them to be a people far removed from that barbarism which interested and designing men have represented them to be in, and in which it might be convenient to place them. Their sober, orderly, respectful, and faithful habits too plainly show that there is more excellence in them than there is to be found in the bulk of our own countrymen. I would not here be understood to be invidious; my object is to correct a prevailing error arising from ignorance of the language and customs of the natives in this remark, and to prevent a growing disgust in my countrymen to the aborigines of this country, who are capable of high moral and intellectual attainments. The apprehensions of the natives as to the future are too apparent from every communication and converse held with them.

One rash, injudicious step, and the whole country is involved in trouble and ruin; conciliatory measures, such as have happily marked the first year of his Excellency's government, and a lasting friendship ensues, and a most valuable part of the community secured, not only from ruin but to the British Government: and though it cannot be hid from his Excellency that the seeds of discord have and are being sown among the natives, yet it is a real pleasure to reflect that they have their best antidote in the peaceable lives of their Christian instructors, in the practical lessons they are daily inculcating, and above all in the high, honourable, and humane principles on which Her Majesty's Government has commenced, and purposes continuing the colonization of New Zealand.

The Colonial Secretary, &c. &c. &c.
New Zealand.

(signed) *George Clarke, P.A.*

No. 19.

Sir Geo. Gipps to
Lord John Russell,
28 March 1841.

(No. 82.)

— No. 19. —

COPY of a DESPATCH from Governor Sir *George Gipps* to Lord *John Russell*.

Government House, Sydney,
28 March 1841.

My Lord,

I HAD the honour to receive yesterday, by the ordinary post, your Lordship's despatch of the 21st November 1840, No. 174, directing me to defer, until I receive further orders, the execution of any powers which I may have derived under the Act of Council, passed in this colony in July last, for the investigation of claims to grants of land in New Zealand.

The extent to which I have already acted, in pursuance of the powers vested in me by that Act, have been reported to your Lordship in the despatches marked in the margin.

The Commissioners are now employed in New Zealand in the investigation of claims, but I have not yet received any reports from them; and I beg to state, that it never was my intention to confirm any of their reports, or execute any deed for land in New Zealand, until the Act of Council referred to should have been confirmed by Her Majesty's approval.

I also beg to inform your Lordship that the Commissioners have not been authorized

For Lord John Russell's
Despatch, 21 Nov.
1840, No. 174, vide
Papers relative to New
Zealand, ordered by the
House of Commons to
be printed, 11 May
1841, No. 311, p. 20.

No. 152,
9 Oct. 1840.

No. 175,
5 Nov. 1840.

authorized in any way to interfere with the New Zealand Land Company, or with settlers claiming under them.

My own measures in regard to the Company were reported in the despatches marked and dated as follow: No. 130, 12th Sept. 1840; No. 147, 6th Oct. 1840; No. 172, 29th Oct. 1840; No. 27, 29th Jan. 1841.

I have, &c.
(signed) *Geo. Gipps.*

— No. 20. —

(Separate, No. 2.)

EXTRACT of a DESPATCH from Governor Sir *George Gipps* to
Lord *John Russell*.

Government House, Sydney,
28 March 1841.

I TRANSMIT herewith copies of documents, tending to show the intemperate haste with which the Company's settlers at Port Nicholson are ready to assail the government of Captain Hobson.

By these papers your Lordship will perceive that the company's settlers, though they have themselves obtained the whole of their own projected town, at the rate of 1*l.* per acre, call in question the integrity of an arrangement, by which about half-a-dozen officers of government have been allowed to take each an allotment in the projected town of Auckland, at a rate which cannot possibly be less than 80 *l.* per acre.

The complainants appear not to have been aware that the arrangement in question was sanctioned by myself.

The rate at which the officers are to pay for their allotments is the average obtained at auction for lots in their immediate vicinity, and in authorizing the arrangements, I expressly declared, that if a selection were made by any officer of an allotment of more than ordinary value, I would not confirm to him the possession of it.

Enclosure in No. 20.

Encl. in No. 20.

His Excellency Sir *George Gipps*, &c. &c. &c.

Wellington, Port Nicholson, New Zealand,
10 February 1841.

May it please your Excellency,

WE, the undersigned, settlers in New Zealand, and intending purchasers of town lands in the township of Auckland, in New Zealand, beg to call the attention of your Excellency to certain proceedings connected with the proposed disposal of land in that township, deeply affecting our interests as well as those of the public.

By the government advertisement for the sale of town lands at Auckland, it was stated that sections Nos. 3, 4, 7, 8, 16, 17, would be exposed to sale by auction; but we have since learned that several allotments, comprising some of the most valuable lands in the township, have been reserved from such sale, and appropriated for the benefit of the subordinate officers of the colonial government, and that these sections are to be paid for, not according to the price which even some of the less valuable lots in their vicinity might command, but at the average price of half the town sections, and that a credit is to be allowed for the payment of the purchase-money until the sale of half the town.

We need not, in addressing your Excellency, dwell upon the injustice of such an arrangement, the loss to the public revenue, the wrong done to *bonâ fide* purchasers, and the injury to the character of the government by which such measures have been proposed or sanctioned; but we may venture to say, that such a proceeding is not less opposed to the instructions of Her Majesty for the disposal of the Crown lands, than unprecedented in the history of neighbouring colonies. We could at first scarcely believe that such a proceeding could be contemplated, since we are assured that there is no one ground, either of policy or justice, upon which it can be defended.

We, however, rely with confidence upon the known character of your Excellency to free the government from the odium, and ourselves from the injustice, of such a measure, by instituting immediate inquiry into the subject, and by suspending the sale until such arrangements may have been made as will secure to the public the great benefit of open competition with regard to all the lands in that township.

We have, &c.
(signed) *Ridgways, Guyton, & Earp,*
And 25 other gentlemen.

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For Sir G. Gipps's Despatch, No. 130 and 147, vide Papers relative to New Zealand, ordered by the House of Commons to be printed, 11 May 1841, No. 311, pp. 79 and 122. For No. 172 and 27, vide pp. 71 and 78 of this volume.

No. 20.
Sir Geo. Gipps to
Lord John Russell,
28 March 1841.

10 Feb. 1841.

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ZEALAND.

(41/62.)

Colonial Secretary's Office, Sydney,
22 March 1841.

Gentlemen,

I AM directed by his Excellency the Governor to acknowledge to you the receipt of a letter dated the 10th February, and signed by a number of the settlers at Port Nicholson, your names being the first in the order of signatures; and I am to express to you that his Excellency has not received without surprise a communication in which charges are conveyed against his government of injustice to intending purchasers of allotments in the town of Auckland, and of a departure from the instructions of Her Majesty's Government in respect to the disposal of Crown lands. His Excellency conceives that the communication which he has received must have been written in entire ignorance of the circumstances under which he was induced to grant to some of the public officers of New Zealand authority to select (not for any purpose of speculation, but for their necessary accommodation,) a few allotments in the township or vicinity of Auckland, on payment of a full and fair price for them. A copy of the letter, therefore, which was addressed by his Excellency to Lieutenant-governor Hobson on this subject is transmitted to you.

His Excellency, in conclusion, desires me to remark, that under the arrangement sanctioned by his Excellency, the lowest price at which allotments of average value could by possibility be obtained by any public officer in the town of Auckland, would be 80*l.* per acre, whilst there is every reason to suppose that amongst the persons who have signed the communication from Port Nicholson, there must be some, if not many, who have obtained from his Excellency allotments, and even some of the best in the town of Wellington, at the rate of 20*s.* per acre.

Messrs. Ridgways, Guyton, & Earp,
Port Nicholson, New Zealand.

I have, &c.
(signed) *E. Deas Thomson.*

3 Sept. 1840.

No. 21.
Governor Hobson
to the Secretary of
State for the
Colonies,
26 May 1841.

(No. 41/1.)

— No. 21. —

COPY of a DESPATCH from Governor *Hobson* to the Secretary of State for the Colonies.

New Zealand Government House, Auckland,
New Ulster, 26 May 1841.

My Lord,

I do myself the honour to acknowledge the receipt of your Lordship's despatch, numbered and dated as in the margin, transmitting to me a charter or letters patent under the Great Seal of the United Kingdom, providing for the future administration of the government of New Zealand, together with a commission under the Great Seal, by which Her Majesty has been most graciously pleased to appoint me to be the first governor of New Zealand.

For this mark of my Sovereign's high consideration, I do myself the honour most respectfully to tender, through your Lordship, my sincere thanks.

By the same opportunity I had the honour to receive instructions under the Royal Signet and Sign Manual, together with a schedule of the future civil establishment of New Zealand, embracing a list of the principal offices of my government, with the salaries to be attached to those offices; and a copy of a circular addressed to the Right Hon. C. Poulett Thomson, relative to the tenure on which public offices in the gift of the Crown are held in the colonies, to all of which the strictest attention shall be paid.

I have, &c.
(signed) *W. Hobson*, Governor.

No. 1.
9 Dec. 1840.
For Lord J. Russell's
Despatch, 9 Dec. 1840,
No. 1, vide Papers
relative to New Zea-
land, ordered by the
House of Commons to
be printed, 11 May
1841, No. 311, p. 24.

5 Dec. 1840.

No. 22.
Governor Hobson
to the Secretary of
State for the
Colonies,
26 May 1841.

(No. 41/4.)

— No. 22. —

COPY of a DESPATCH from Governor *Hobson* to the Secretary of State for the Colonies.

New Zealand Government House, Auckland,
New Ulster, 26 May 1841.

My Lord,

I HAVE the honour to inform your Lordship, that on the 3d instant the charter or letters patent providing for the future administration of the government of this colony, was publicly read and proclaimed, with all due solemnity, in the presence of the civil and military officers of this government and a large concourse of Europeans and New Zealanders.

16 Nov. 1840.

At

At the same time, Her Majesty's Commission appointing me first Governor and Commander-in-chief was also read and proclaimed, and, after receiving the accustomed oaths of office, I assumed the government of this colony, and caused the necessary oaths to be administered to the members of the Executive Council, and to all civil officers then present.

I herewith transmit for your Lordship's information copies of two proclamations which I deemed it necessary to publish on my assuming the government of the colony; the former announcing the separation of these islands from New South Wales, together with the names of the three principal islands; the latter notifying the appointment of the Executive and Legislative Councils.

I have, &c.

(signed) *W. Hobson.*

24 Nov. 1840.

2.

Enclosure in No. 22.

Encl. in No. 22.

PROCLAMATION by his Excellency Captain *Hobson*, Governor and Commander-in-chief in and over the Colony of New Zealand and its Dependencies, &c. &c. &c.

WHEREAS Her Majesty has been graciously pleased by Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, bearing date the 16th day of November, in the year of our Lord 1840, to constitute and appoint me, William Hobson, Esq., captain in Her Majesty's Royal Navy, to be Governor and Commander-in-chief in and over Her Majesty's colony of New Zealand and its dependencies:

Now, therefore, I, the Governor and Commander-in-chief aforesaid, do hereby proclaim and declare that I have this day taken the prescribed oaths and assumed the administration of the government accordingly.

And I do hereby further proclaim and declare that Her Majesty has been pleased to appoint an Executive Council for the said colony, and to nominate and appoint the under-mentioned persons to be members thereof; that is to say, the Colonial Secretary of the said colony for the time being, the Attorney-General of the said colony for the time being, and the Colonial Treasurer of the said colony for the time being.

And I do hereby proclaim and declare that Her Majesty has been further pleased to appoint a Legislative Council for the said colony of New Zealand and its dependencies, and to appoint and direct that such Legislative Council shall be formed and shall consist of the following members: His Excellency the Governor for the time being, the Colonial Secretary for the time being, the Attorney-General for the time being, the Colonial Treasurer for the time being, and the three senior Justices of the Peace, nominated as such in any commission of the peace to be issued by me the said Governor and Commander-in-chief, or by the Governor or acting Governor for the time being.

The Governor, fully impressed with the magnitude and importance of the duties thus confided to him, is supported by the hope that Almighty God will bless his best efforts to give full effect to these Her Majesty's most gracious measures for the establishment of peace and order in this important colony; and he relies with confidence on the loyalty of the colonists, and on the hearty co-operation with the government in cultivating those feelings of mutual good-will which alone can insure to them the future benefit of Her Majesty's solicitude for their welfare and prosperity.

The Governor avails himself of this occasion to appeal to the good feelings of the colonists generally in favour of their fellow-subjects of the native race, who require only instruction and good example to become equal to Europeans in moral, as they already are in physical attainments, and to point out to all who really have the true interests of the country at heart, the propriety of conciliating their affection by making every charitable allowance for their defects, and by conducting all intercourse with them in a spirit of justice and forbearance.

The Governor trusts that he will be afforded the satisfaction of hereafter knowing that his endeavours for the accomplishment of Her Majesty's gracious and benign views have not been employed in vain.

Given under my hand and seal at Government House, Auckland, this 3d day of May, in the 4th year of Her Majesty's reign, and in the year of Our Lord 1841.

(signed) *William Hobson*, Governor.

By His Excellency's command,

(signed) *Willoughby Shortland.*

PROCLAMATION by his Excellency Captain William *Hobson*, Governor and Commander-in-chief in and over the Colony of New Zealand and its Dependencies.

WHEREAS Her Majesty has been pleased, by Letters Patent, under the Great Seal of the United Kingdom of Great Britain and Ireland, bearing date the 16th day of November, in the year of our Lord 1840, to erect the islands of New Zealand into a separate territory, by the name of Her Majesty's Colony of New Zealand: Now, therefore, I, the Governor

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and Commander-in-chief, by commission under the Great Seal appointed, do hereby notify and proclaim, that under Her Majesty's said Letters Patent, the islands of New Zealand are henceforth to be designated and known as Her Majesty's colony of New Zealand and its dependencies. And I do hereby further notify and proclaim that Her Majesty has been pleased to direct that the three principal islands of New Zealand, heretofore known or commonly called the Northern Island, the Middle Island, and Steward's Island, shall henceforward be designated and known respectively as New Ulster, New Munster, and New Leinster, of which all Her Majesty's subjects are hereby required to take notice.

Given under my hand and seal at Government House, Auckland, this 3d day of May, in the fourth year of Her Majesty's reign, and in the year of our Lord 1841.

(signed) *William Hobson*, Governor.

By His Excellency's command,

(signed) *Willoughby Shortland*.

No. 23.
Lord Stanley to
Governor Hobson,
20 January 1842.

— No. 23. —

(No. 13.)

COPY of a DESPATCH from Lord *Stanley* to Governor *Hobson*.

Sir,

Downing-street, 20 January 1842.

I HAVE received your despatch of the 26th of May last, transmitting copies of two proclamations, which you published on assuming the administration of the government of New Zealand, the one announcing the separation of that colony from New South Wales, the other notifying the appointment of the Executive and Legislative Council.

I have to convey to you my approval of those proclamations.

I am, &c.

(signed) *Stanley*.

No. 24.
Governor Hobson
to Lord John
Russell,
26 May 1841.

— No. 24. —

(No. 41/5.)

COPY of a DESPATCH from Governor *Hobson* to Lord *John Russell*.

New Zealand Government House, Auckland,
New Ulster, 26 May 1841.

My Lord,

I HAVE the honour to acquaint your Lordship, that, in pursuance of the directions contained in Her Majesty's Royal instructions, the several gentlemen mentioned at foot, have been appointed provisionally to the offices affixed to their respective names, until the further pleasure of Her Majesty shall be received.

Willoughby Shortland, esq., Colonial Secretary.
Francis Fisher, esq., Attorney-general.
George Cooper, esq., Treasurer.
George Cooper, esq., Collector of Customs.
James Coates, esq., Clerk of Councils.
James Coates, esq., Sheriff.
Felton Mathew, esq., Surveyor-general.
John Johnson, esq., Colonial Surgeon.
David Rough, esq., Harbour-master.
George Clarke, esq., Chief Protector of Aborigines.
Henry Tucker, esq., Storekeeper.
Edmund Lee Godfrey, esq. } Commissioners.
Matthew Richmond, esq. - }

I have, &c.

(signed) *W. Hobson*, Governor.

— No. 25. —

(No. 41/6.)

COPY of a DESPATCH from Governor *Hobson* to the Principal Secretary of State for the Colonies.No. 25.
Governor Hobson
to the Principal
Secretary of State
for the Colonies,
24 May 1841.

My Lord,

Government House, Auckland, New Ulster,
24 May 1841.

HEREWITH I do myself the honour to transmit for your Lordship's consideration copies of congratulatory addresses, presented to me on my appointment as governor, from the inhabitants of Auckland and Kororarika, and from the magistrates of Port Nicholson, together with copies of my several replies thereto.

6.

I have, &c.
(signed) *W. Hobson*, Governor.

Enclosure in No. 25.

Encl. in No. 25.

To his Excellency Captain *Hobson*, R.N., Governor-in-chief of New Zealand.

May it please your Excellency,

Kororarika, 15 April 1841.

WE, the undersigned inhabitants of Kororarika, in the Bay of Islands, beg leave most respectfully, through our representatives, on the present gratifying occasion, to congratulate your Excellency on your recent appointment to the Governorship-in-chief of New Zealand. In connexion with this appointment, we are also happy to perceive that the wisdom and goodness of Her Most Gracious Majesty have decreed that henceforth New Zealand is a distinct and separate colony, and consequently perfectly independent of New South Wales. The colonists universally cannot feel too grateful for this prompt attention to their interests. In this we behold a bright era of prosperity opening up to our view; nothing could tend more to encourage and facilitate that which in the formation of colonies stands pre-eminent in importance, emigration.

We are now full of hope, and most earnestly do we trust that the boon which has just been conferred upon us may, by a liberal and enlarged system of government, become a great and lasting blessing.

Your Excellency being now happily delivered from the control of any other governor, and having the supreme authority over these islands vested in your own hands, we look forward with the utmost anxiety for the development and execution of such measures by your Excellency's government as will secure to New Zealand advancement, prosperity, happiness and peace.

We doubt not your Excellency will pardon our solicitude on this head, seeing that it involves in a great measure our future prosperity or decay.

With your Excellency's permission, we would look up to you as our parent, and while your Excellency may be assured of our affection and fidelity, we would most devoutly hope that your Excellency will extend to us that fostering and cherishing hand, which it is the duty of a parent to bestow upon his offspring.

We regret exceedingly, owing to the land sale, the absence of many of our townsmen that the present address is not so numerously signed as it certainly would have been had they been present. We rest satisfied, however, in the conviction, that the same desire for your Excellency's success and for the prosperity of this colony which has prompted us to address you, will, ere this reaches you, have manifested itself on the part of those inhabitants of Kororarika who are now at Auckland.

In conclusion, we beg to tender to your Excellency our ardent wishes that you may long, very long exercise over us an enlightened and successful sway; and we have to request that your Excellency will be pleased to convey to your amiable lady and delightful family our heartfelt and sincere regards for their welfare and happiness.

We have, &c.

(signed) Henry Thomson.

J. O'Neill.

Benjamin Innes.

A. Kennedy.

J. Chaplin.

T. H. Bartley.

T. Bateman.

G. J. Cook & Co.

Jas. Obeline.

E. Lucette.

G. Hull.

Robert Runoms.

C. B. Bremer.

Martin M'Dennott.

John Smith.

David Scott.

H. W. Dudley.

B. M'Kenzie.

William Jeffery.

G. Russel.

R. S. Buckhan.

D. M. Graham.

D. Raymond.

Thos. Dunn.

R. J. Leitch.

W. P. Pickering.

George Hemmings.

John Weavell.

J. A. Duvachelle.

Thomas Weston.

J. Spain.

E. Cafier.

J. G. Steady.

Wm. Clunie.

E. Michael, Capt. F.

H. C. Holman.

E. M'Clennan.

E. Waterton.

William Watson.

E. Lethard.

John M'Carthy.

J. Hobson.

A. Black.

John Hoggard.

D. Scott.

Hugh M'Lean.

William Davies, M.D.

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Absentees at Auckland :

F. Whittaker.	P. Donavan.	J. N. Shepherd.
J. J. Montefiore.	P. Grealy.	Wm. Lord.
J. Kelly.	R. White.	Jos. Brown.
D. Pollen.	George Clayton.	Wm. Field.
G. F. Robinson.	Thos. Watson.	B. Fear.
W. Turner.	B. M. Warner.	T. Elrige.
E. Tinel.	A. J. Ellis.	A. Dingwall.
J. Dilworth.	J. Hogarth.	J. Guemar.
M. Brown.	G. Bankes.	J. A. Wood.
J. Joseph.	J. Woods.	J. Russell.
Robert Todd.		

To the Deputation from the Inhabitants of the Township of *Kororarika*,
New Zealand.

Government House, Auckland,
22 April 1841.

Gentlemen,

I RECEIVE with grateful acknowledgments the very complimentary address of the inhabitants of *Kororarika*, which, as you predicted, has been most cordially supported by the kind congratulations of your fellow-townsmen who are now assembled here.

Although I am not yet officially informed of the change that is contemplated by Her Majesty in the construction of this Government, still I rely with confidence on the published statement that New Zealand is now separated from New South Wales, and that Her Majesty has been graciously pleased to honour me with the appointment of Governor, as those measures fully accord with the first intentions of Her Majesty's Ministers, when the force of circumstances dictated the temporary expedient of annexing to New South Wales as a dependency "whatever territory may be acquired in sovereignty in New Zealand."

Without official knowledge of those events, and of the instructions that we may presume have been issued by Her Majesty's Government, it is impossible to enlarge on the several subjects contained in the address; but this I solemnly assure you, that whatever power may be entrusted to me by Her Majesty, shall be exercised to the best of my humble abilities for your benefit, in common with every subject of Her Majesty in New Zealand.

Gentlemen, I should but imperfectly respond to your kind address were I to omit expressing my sincere thanks for the handsome manner in which Mrs. Hobson and my family have been mentioned, and to assure you that she most highly appreciates the kind feeling evinced towards her and my young family by the inhabitants of *Kororarika*.

(signed) *W. Hobson*.

To his Excellency *William Hobson*, Esq. Captain R.N. Governor and Commander-in-Chief of New Zealand.

May it please your Excellency,

WE, the undersigned, magistrates, civil and military officers, and other inhabitants of the town of Auckland and colony of New Zealand, embrace the earliest opportunity of tendering to your Excellency our warmest congratulations on the accession of rank and power which your Excellency has attained, by the formation of these islands into a distinct and independent government.

As the connexion of New Zealand with any other colony might operate disadvantageously on its present interests and future prospects, we therefore hail with the liveliest satisfaction an event, which while it has the effect of strengthening your Excellency's power, confirming your authority, and increasing your means of advancing the best interests of the community, affords the strongest hope that it will ere long assume that rank among the rising nations of the southern hemisphere which its geographical position and fertile soil entitle us to expect.

Convinced as we are that the establishment of British sovereignty in these islands has been mainly accomplished by your forethought, energy, firmness, and talent, we venture to hope that the hearty congratulations and fervent good wishes of the early colonists by whom you are surrounded will not be unacceptable to your Excellency.

Wishing that your Excellency may long live to enjoy the satisfaction to be derived from beholding an honest, industrious, and thriving population increasing in this colony,
and

and that every personal happiness and comfort may attend your Excellency and your family,

We have, &c.

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(signed)	Willoughby Shortland.	William Kendal.	Duncan Hepburn.
	J. Coates, J.P.	H. D. Smart, J.P.	A. S. Ellis.
	Chas. B. Brewer.	Francis Wetter.	J. Logan Campbell.
	Felton Mathew, J.P.	William Lord.	Wm. Brown.
	Francis Fisher, J.P.	Charles Goodwin.	C. T. Stone.
	Edward L. Godfrey, J.P.	Joseph Edmond.	J. A. Langford.
	Mathew Richmond, J.P.	W. Cruickshank.	William Hobson.
	G. F. Dawson, P.M.	Henry Morris.	James Williamson.
	John Johnson, J.P.	Charles Cowley.	Thomas Crummer.
	Edwd. B. Halswell, J.P.	John Gildsworthy.	Thos. Cooper.
	Jas. Stuart Freeman.	James Murray.	Henry Shortfield.
	S. E. Grimestone.	Henry Tucker.	William Gordon.
	Thomas Paton.	Thomas Wright.	Charles Seal.
	Charles Chappell.	Henry Robinson.	Archibald Scott.
	Wm. P. Pickering.	Charles Terry.	Wilson Kirkland.
	Israel Joseph.	James Preece.	A. de Philipsthal.
	John Moore.	William Trevarthen.	Charles Logie.
	David Rough.	James Scott.	G. Lancaster.
	W. Mason.	John O'Brien.	Charles Moore.
	D. E. Elliot.	Joseph Byrne.	James Grimley.
	John F. Churton, LL.B.	H. Crompton Booth.	Arthur Turtley.
	Wm. Wilson.	F. J. Mullens.	Dennis Heather.
	Jermyn J. Symonds.	Michael Ryan.	E. Constable.
	Geo. Cooper.	John Reyner.	Norton Butler.
	Geo. M. Mitford.	Alexander Hepburn.	S. A. Wood.
	William Young.	James Kute.	John Robertson.
	Richard England.	Uriah Samiels.	George Nicols.
	H. R. Cretnay.	J. O. B. Croker.	J. O'Neill.
	Wm. Dunning.	John A. Brown.	Thos. Kennard.
	H. P. Warner.	Walter Combes.	Richard Allen.
	Thos. Keney.	John Davis.	Francis Whitaker.
	R. Snow, Lieut. R.N.	John Oakes.	Aymer de Valence.
	James Watson.	Thomas Brightwell.	Gilbert Mair.
	J. Seymour.	John Black.	Robert Field.
	W. H. Corbett.	Charles O. Peile.	John Yandall.
	John Lowney.	William Gumble.	James Russell.
	John Guilding.	John M'Quoid.	John Gibling.
	Henry Scullen.	L. Allan M'Caskill.	John Gotty.
	Joseph Newman.	William M. Garvie.	James George.
	D. Lockwood.	Thos. Russell.	Benson I. Isaacs.
	W. Leech.	Thos. Smith.	Michael Abrahams.
	W. R. Lester.	James Dawson.	Samuel Marks.
	John Campbell.	W. P. Curtois.	Samuel Brown.
	C. H. M'Intosh.	Wm. Harkins.	John Brander.
	John P. Du Montin.	Thos. Hellyer.	Robert Mackay.
	James Bryden.	Robert Hammersly.	John Peter Oakes.
	John C. Haile.	James Webster.	E. Murray.
	George M'Elwaine.	Charles Jennings.	John Halls.
	Richard Moore.	J. S. Howell.	James Smith.
	Wm. Grant.	William Hankivall.	Wm. A. Falwasser.
	John M'Lachlin.	John Smith.	Henry Didsbury.
	Andrew O'Brien.	John Cunningham.	William Williams.
	Thomas Lang.		

Reply, No. 2.

Gentlemen,

It affords me heartfelt satisfaction to receive from a community deeply interested in the welfare of this infant colony an address so pregnant with patriotic principles, and so very flattering to my feelings.

I sincerely thank you, gentlemen, for this mark of your esteem and confidence, and for your congratulations on the honour conferred on me by Her Majesty in advancing me to the rank of Governor and Commander-in-Chief of this colony.

Gentlemen,—No man more highly appreciates a mark of his Sovereign's power than I do, but I feel that rank and authority is only conferred on me as a means to accomplish a great object, an object which embraces the future welfare and prosperity of this colony, and one which is only attainable by the joint efforts of every branch of the Government, aided and supported by the patriotism and loyalty of the people. I might indeed hesitate

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to undertake this onerous charge, were I not confident of the support of zealous and intelligent advisers, of an enlightened magistracy, and the co-operation of all classes of Her Majesty's subjects, by whose means I do hope to complete those beneficent measures which Her Majesty has, by her Royal charter, graciously commenced in this colony.

Gentlemen,—In thus separating from New South Wales, it is only a mark of common justice and gratitude to acknowledge the substantial benefits we have derived from our short connexion with its Government, to whose fostering care we are indebted for laws and institutions, which have already caused a progressive improvement in this colony.

We have been supported by its funds and instructed by its practice, and I am sure you will join me in wishing prosperity to New South Wales, and in grateful acknowledgement to Sir George Gipps, and every member of its Government, for their attention to our interests.

Gentlemen,—I again offer you my cordial thanks on behalf of myself and family for the honour you have done me in presenting this address.

(signed) *W. Hobson.*

To His Excellency Captain *Hobson*, R. N., Governor and Commander-in-Chief of the Islands of New Zealand.

WE, the undersigned, holding the office of magistrates in New Zealand, avail ourselves of the present opportunity of offering our congratulations to your Excellency upon the independent position in which the colony entrusted to your government is now placed; and at the same time we take the liberty of offering some suggestions with regard to the future government of this colony, which appear to us of the utmost importance.

We have long deeply regretted that any circumstances should have arisen tending to disturb those amicable relations between your Excellency and the settlers at Port Nicholson, which, for the interests of the colony and the honour of the Crown, it is most desirable to maintain; and we rejoice at the intelligence recently received from England, because it appears to afford the means of establishing these relations upon a firm basis, and of enabling your Excellency to rally round your government the entire British population of these islands. We are most anxious that any misconception that may have arisen as to the feelings or intentions of your Excellency should be removed, and that the Government and the colonists should combine to give the utmost development to the vast natural resources of the colony. We are willing to believe, that whatever difference of opinion may exist as to the means by which this result is to be attained, there is on the part of your Excellency a sincere desire to advance the general interests of the colony, and that no sacrifice on your part will be deemed too great, if it be found necessary for that purpose.

We do not presume to question the eligibility of the spot selected by your Excellency for the seat of government in reference to the objects for which it was originally chosen. If no settlement of British subjects had been established in New Zealand, it is possible that the town of Auckland might have advantageously formed the capital of the country, and the centre from which colonization should spread. We, however, venture to submit, that the actual circumstances of the colony must neutralize to a very great extent whatever advantages may belong to that position, and must render the establishment of the seat of government there inconvenient to the Governor and injurious to the vast majority of those whose interests it is the duty, and we are assured no less the desire, of your Excellency to protect. The most weighty and numerous functions of government will in such case be exercised in ignorance of the state of three-fourths of the British population of the islands; and while the proceedings both of the legislative and executive will often be seriously impeded by this circumstance, it cannot but happen that the interests of the settlers in this district must suffer deeply from the same cause.

The recent negotiations in England between Her Majesty's Principal Secretary of State for the Colonies and the Directors of the New Zealand Company, have placed the settlers at Port Nicholson in an entirely different position from that which they formerly occupied. They are no longer an assemblage of individuals irregularly establishing themselves in a foreign country, beyond the protection or control of Great Britain; nor are they squatters upon Government land, liable to be dispossessed of their property, and having no claim to recognition by Government. They form at the present moment a recognised community at least six times more numerous than any other in New Zealand, holding their lands under a title from the Crown, having contributed largely to the public revenue, and above all, forming the nucleus of the only extensive and systematic scheme for covering with an active and industrious population the fertile wastes of the island. The arrangements of the New Zealand Company are so far matured, that within the course of the next 12 months at least 5,000 additional settlers will be landed at Port Nicholson, while it is not too much to assert that within the same period not one-tenth of that number will immigrate either from Great Britain or from the neighbouring colonies to any other port. In every particular, therefore, they are entitled to expect from Government a consideration proportioned to their numbers. Especially are they entitled to expect that the local legislature shall be established in that part of the island where the greatest interests are at stake, and that the members of that legislature who are not officers of the Crown should be selected from their body. It would be invidious, and could hardly fail to result in injustice, if the concerns of a community

nity of 8,000 persons should be subject to the control of individuals selected from a population of less than 300, ignorant of their wants, and having different and perhaps opposite interests.

The present position of the settlers at Port Nicholson is changed, moreover, in another most important respect. A very few months since it appeared as though all communication between that harbour and the fertile districts of the west coast must take place by water; the hills surrounding the port were regarded as impassable barriers, over which no practicable road could be carried; and thus it was assumed that Port Nicholson, whatever its other advantages, was ill adapted to form a centre from which the settlers might radiate. Recent investigations have disproved this assumption, and a road is now nearly completed to Porirua, which brings the settlers immediately upon that rich belt of land at the base of the Tararua and Tēngāriro mountains, including the whole Taranaki district, and watered by numerous rivers, two of which, the Wanganui and the Manawater, are hardly inferior in importance to the Thames itself.

Not merely is it important for the sake of the settlers at Port Nicholson, but we would suggest that the honour of your Excellency, which is deeply involved in the tranquillity and progress of the colony, equally requires that the seat of government should be established at Port Nicholson. The relations between the British settlers and the native population are at present in an undefined and uncertain state; there is no question connected with the colonization of New Zealand in which the interests of humanity are more deeply concerned, and none, perhaps, which is more likely to excite the attention of the British public; but it is obvious that these relations, which may be expected every day to become more complicated, cannot be superintended by your Excellency at a distance of several hundred miles, with no certain or regular means of communication between Port Nicholson and the present seat of government. The settlers are already brought into contact with a native population of probably 20,000 persons; without the presence of some controlling power, which may challenge the respect and submission of the natives, and may at the same time inspire them with confidence that they shall be maintained in the full enjoyment of their lawful rights, it is impossible to assert that the peaceful intercourse hitherto so happily maintained will be permanent. If from the absence of such a power any dissension should unfortunately arise, the presence of your Excellency will be imperatively required, but it may then be too late to cure the evils which an early residence in this place might have prevented; deep-seated distrust and enduring hostility may take the place of the kindness and confidence at present existing; and such feelings, while they would give a serious check to the progress of settlement in every part of New Zealand, could only result in the destruction of the native population, or their being driven from the present seats of their tribes to take refuge in the mountains of the interior. Such results every humane and just man, and no one more than your Excellency, must be anxious at any cost to avoid, but no effectual safeguard against their occurrence can be found other than the establishment of the seat of government at this port.

We would further venture to suggest that the terms accorded by the Home Government to the New Zealand Company afford to your Excellency an opportunity of freeing yourself from the invidious duties of land commissioner, and of devoting your undivided attention to the discharge of the higher functions of government. We may even express our belief, that in according these terms, it was the intention of Her Majesty's Ministers, as far as possible, without creating an absolute monopoly, to place the disposal of the waste lands in New Zealand in the hands of that Company, subject undoubtedly to the supervision of the Governor of the colony. This arrangement would place your Excellency in the most advantageous position for protecting the interests of the settlers, and for guiding the progress of settlement. Instead of a rivalry, undignified if not absolutely injurious, between the Colonial Government and a private but powerful company, there would be a combination of effects for the one great object of colonizing, in the briefest period, and in the most advantageous mode, the islands of New Zealand. In this work there would be due subordination, the operations of the Company being performed under the eye of your Excellency; but this advantage can only be obtained by making Port Nicholson the seat of government.

We are assured that your Excellency cannot be insensible to these considerations. We have not dwelt upon particular inconveniences to be experienced by the settlers in this district, such as the distance of the courts of law, and the consequent difficulty and delay in obtaining justice, the want of a power for local improvements, and other similar topics, because the charter of incorporation promised by the Home Government will afford a partial if not a complete remedy for these wants. We have touched only upon those points which appear to us to affect the interests of the whole colony, and in which the Government is no less concerned than the colonists. We are assured that among the whole body of the settlers at this port there is an earnest desire to witness the arrival of your Excellency among them as a permanent resident, and that all classes would unite in a cordial support of your government.

We entreat you to believe that in thus addressing you we are actuated by a sincere desire to see your Excellency's Government established upon a prosperous and permanent footing.

We have, &c.

(signed)

W. Wakefield.

R. Davis Hanson.

George Samuel Evans.

Henry St. Hill.

Geo. Hunter.

Ed. Daniell.

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ZEALAND.

Reply, No. 3.

Gentlemen,

I HAVE the honour to acknowledge the receipt of your address, and to present my best thanks for the congratulations you offer on the independent position of this colony, over which Her Majesty has done me the honour to appoint me Governor.

You are pleased to express deep regret that any circumstance should have taken place tending to disturb those amicable relations between me and the settlers of Port Nicholson, which, for the honour of the Crown and interest of the colony, it is desirable to maintain. In this sentiment I most earnestly and cordially concur, and I shall hail with extreme satisfaction any disposition on the part of the settlers to restore that harmony which you very justly observe is so highly essential for the developement of the resources of the colony, and which you do me but justice in believing I am most desirous to cultivate.

Gentlemen,—I should hold it to be inexpedient and improper for me to enter into any discussion with you upon suggestions you have thought fit to offer on the future government of this colony. But I hesitate not to assure you, that your interests shall not be neglected; that every measure shall be taken in strict accordance with Her Majesty's gracious pleasure, as conveyed to me by Her Principal Secretary of State for the Colonies; and that such suggestions as you have already offered in your address, or may hereafter offer for the benefit of the settlers in the southern districts, shall receive due consideration.

I have reason to hope that when the arrangements of Government are fully complete, that many of the inconveniences of which you complain will be found susceptible of easy adjustment; and I will not allow myself to believe that I shall be denied the satisfaction of soon meeting the settlers at Port Nicholson on terms of mutual confidence.

I have, &c.
(signed) *W. Hobson.*

No. 26.
Lord Stanley to
Governor Hobson.
19 January 1842.

— No. 26. —

(No. 12.)

COPY of a DESPATCH from Lord *Stanley* to Governor *Hobson*.

Sir,

Downing-street, 19 January 1842.

I HAVE to acknowledge the receipt of your despatch of the 24th of May last (No. 41/6), transmitting copies of congratulatory addresses, presented to you on your appointment as Governor of New Zealand, from the inhabitants of Auckland and Kororarika, and from the magistrates of Port Nicholson, together with copies of your replies thereto.

I have, &c.
(signed) *Stanley.*

No. 27.
Gov. Hobson to the
Principal Secretary
of State for the
Colonies.
26 May 1841.

— No. 27. —

(No. 7/41.)

COPY of a DESPATCH from Governor *Hobson* to the Principal Secretary of State for the Colonies.

New Zealand Government House, Auckland,
New Ulster, 26 May 1841.

My Lord,

REFERRING your Lordship to my despatch to the Right Hon. the Marquess of Normanby, and also to my despatch to your Lordship, I have now the honour to transmit the copy of the treaty of Waitangi, signed by the native tribes in the district of Kawia.

This copy of the treaty, together with those forwarded in the above-mentioned despatches, now constitute the complete series, the original of which are preserved amongst the archives of the colony.

I have, &c.
(signed) *W. Hobson*, Governor.

No. 43, dated 25 May
1840; No. 7, dated
15 Oct. 1840;
vide Papers relative to
New Zealand, ordered
by The House of Com-
mons to be printed,
11 May 1841,
No. 311, pp. 15 & 98.

Enclosure in No. 27.

Encl. in No. 27.

Ko Wikitoria te Kuini o Ingarani i tana mahara atawai ki nga Rangatira me nga Hapu o Nu Tirani i tana hiahia hoki kia tohungia ki a ratou o ratou Rangatira tanga meo ratou wenua a kia mau tonu hoki te Rongo ki a ratou me te ata noho hoki, kua wakaaro ia he mea tika kia tukua mai tetahi Rangatira hei kai wakarite ki nga Tangata maori o Nu Tirani. Kia wakaetia e nga Rangatira Maori te Kawanatanga o te Kuini ki nga wahi katoa o te wenua nei ne nga motu, na te mea hoki he tokomaha he nga tangata o tona Iwi kua noho ki tenei wenua a e haere mai nei. Na ko te Kuini e hiahia ana kia wakaritea te Kawanatanga kia kua ai nga kino e puta mai ki te tangata maori ki te pakeha e noho ture kore ana. Na kua pai te Kuini kia tukua ahau a Wiremu Hopihana he Kapitana i te Koiara Nawi hei Kawana mo nga wahi katoa o Nu Tirani, e tukua aianei amua atu ki te Kuini, e mea atu ana ia ki nga Rangatira o te Wakaminenga o nga Hapu o Nu Tirani, me era Rangatira atu enei Ture ka korerotia nei.

Ko te Tuatahi.

Ko nga Rangatira o te Wakaminenga, me nga Rangatira katoa hoki kihai i uru ki taua Wakaminenga, ka tuku rawa atu ki te Kuini o Ingarani, ake tonu atu te Kawanatanga katoa o o ratou Wenua.

Ko te Tuarua.

Ko te Kuini o Ingarani ka wakarite ka wakaae ki nga Rangatira ki nga Hapu ki nga tangata katoa o Nu Tirani te tino Rangatiratanga o o ratou Wenua o ratou kainga me o ratou taonga katoa. Oliia ko nga Rangatira o te Wakaminenga, me nga Rangatira katoa atu, ka tuku ki te Kuini te hokonga o era wahi wenua e pai ai te tangata nona te Wenua ki te ritenga o te utu e wakaritea ai e ratou ko te Kai hoko e meatia nei e te Kuini hei kai hoko mona.

Ko te Tuatoru.

Kei wakaritenga mai hoki tenei mo te wakaetanga ki te Kawanatanga o te Kuini Ka tiakina e te Kuini o Ingarani nga tangata Maori katoa o Nu Tirani, Ka tukua ki a ratou nga tikanga katoa, rite tahi ki ana mea ki nga Tangata o Ingarani.

By His Excellency's command.

(signed) *Willoughby Shortland*,
Colonial Secretary.

Ka ko matou, ko nga Rangatira o te Wakaminenga o nga Hapu o Nu Tirani ka huihui nei ki Waitangi. Ko matou hoki ko nga Rangatira o Nu Tirani, ka kite nei i te ritenga o enei kupu ka tangohia ka wakaetia katoatia e matou. Koia ka tohungia ai o matou Ingoa o matou tohu.

Ka meatia tenei ki Waitangi, i te ono o nga Ka o Pepuere, i te tau kotahi mano e wara raw e wa te-kau-o to tatou Ariki.

Signed before us,

*W. C. Symonds.**James Hamlin.**James Wallis.**John Whiteley.*

at Manukau, 28 March 1840,

Ko te Kawau, his mark ×.*Ko te Tinana*, his mark ×.*Ko te Reweti.*

at Kawia, April 28, 1840,

Ko Rawiri, his mark ×.*Ko te Kanawa*, his mark ×.

May 21, 1840,

Ko Tariki, his mark ×.*Ko Haupokia*, his mark ×.

May 25,

Ko te Waru, his mark ×.

June 15,

Ko Taunui, his mark ×.*Ko Honewaitere, Te Aoturoa*, his mark ×.*Ko te Matenga, Te Wahapu*, his mark ×.

August 27,

Ko Ngamotu, his mark ×.

September 3,

Ko Warekahu, his mark ×.

I certify that the above is a true copy of the treaty of Waitangi, with the signatures attached thereto.

(signed) *George Clarke*,
Chief Protector of Aborigines.

[For Translation of the Treaty, *vide* Papers relative to New Zealand, ordered by The House of Commons to be printed, 11 May 1841, No. 311, page 98.]

NEW
ZEALAND.

— No. 28. —

(No. 41/11.)

No. 28.
Gov. Hobson to the
Principal Secretary
of State for the
Colonies.
26 May 1841.

EXTRACT of a DESPATCH from Governor *Hobson* to the Principal Secretary of State for the Colonies.

New Zealand, Government House, Auckland,
New Ulster, 26 May 1841.

HAVING already reported the course I adopted on the receipt of Her Majesty's letters patent, appointing me the first Governor and Commander-in-Chief of this newly formed colony, I judge it proper to convey to your Lordship by the earliest possible opportunity, a general statement of the constitution of society, and of the position in which I stand in respect to the settlers generally, throughout the islands.

I will not trespass on your Lordship's attention by any lengthened account of the state of society, which is a subject that has been so frequently and so fully brought under your Lordship's notice, that very little additional information can be afforded.

Those persons who have settled at Port Nicholson under the auspices of the company are, from their rank, their numbers, and their wealth, by far the most important in the colony. But it is to be regretted that, from the impunity with which they have heretofore, in defiance of the Government, encroached on the land, they assume a tone of dictation and authority, which is totally subversive of all government, and which must eventually be overcome, or the sole management of the affairs of the island must be surrendered into their hands.

On a recent occasion Sir George Gipps gave them the permissive occupation of 110,000 acres around Port Nicholson, on condition of their confining themselves to that limit, with a promise to recommend to your Lordship to obtain for them from Her Majesty a free grant to that extent, in return for the expense the Company had incurred in importing immigrants into the colony. But almost coincident with that act of grace, they spread themselves over the lands of Manganui, to a distance of 90 miles, in direct opposition to a notice simultaneously published both by Sir George Gipps and myself respectively.

To this encroachment they have since added the lands of Terranake, which they have assigned to the Plymouth Company; and there is great reason to apprehend that none of this vast territory has been legally purchased from the aborigines. But this is a question I will not prejudge.

I design shortly to visit Port Nicholson, when I will require the agents of the Company to submit their claims for examination to the Land Commissioners.

The natives in the neighbourhood of these new settlements have evinced considerable dissatisfaction at the occupation of lands, to which they lay claim; and more than one tribe has called on me to remove the intruders, threatening to dislodge them by force, if I do not afford redress. I hope, when I visit them, to reconcile these differences, and if necessary to require a further payment to be made to satisfy their claims.

Besides the natives, there are many Europeans who claim large portions of these lands in virtue of prior purchases; but these latter will furnish cases for the Land Commissioners to decide.

The settlers of the northern part of the island for the most part consist of persons who have emigrated from the adjacent colonies; many of whom lay claim to the richest portions of the country, which in the course of their traffic with the natives they have been enabled to select, and purchase on most favourable terms.

From this portion of the colonists I have received every possible support, with the exception of some of the very lowest class, who have endeavoured to inflame the minds of the natives by disseminating amongst them false reports of the intention of Her Majesty's Government.

The next class I have the honour to introduce to your Lordship's notice is the native race. These, I am rejoiced to say, continue to preserve a peaceable demeanour towards the white population, and hold themselves amenable to our laws in a wonderful degree.

It is not my purpose to enlarge on this subject here, considering it of such paramount importance as to form the subject of a separate despatch, which I will have the honour to forward by a future opportunity.

As

As respects my own position in regard to the settlers generally, your Lordship will have heard before this can reach you of the hostility I have experienced, at the instigation of the Company's agents, from the settlers at Port Nicholson; where public meetings have been held, and resolutions adopted to petition Her Majesty for my removal from the Government, on the ground of partisanship, neglect of public duty, &c.

This petition has produced a counter petition from those interested in the northern portion of the island, applauding my measures, and praying Her Majesty to retain my services, and still to honour me with her gracious confidence.

It is quite evident, notwithstanding the extraneous matter introduced into the Port Nicholson petition, that the whole matter resolves itself into the simple fact, that I have not studied the exclusive advantage of the Company, by fixing the seat of Government at Port Nicholson; and it is equally certain, that the counter-petition must be attributed to my having chosen my position on the Waitemata.

Had I been base enough to prefer my own comfort to, what I believed to be, the public benefit, I could have established myself at Port Nicholson; where, surrounded by a compact society, all personally identified with the place, I might have left it to the Company's agents or their press to answer any censure which might flow in upon me from other quarters. Or had I been still more base, and kept in view my pecuniary advantage, there could have been no scheme devised better calculated to ensure my own fortune and that of my friends, than presented itself at Port Nicholson; it needed but to have speculated largely in the Company's shares, and having raised their value by the location of Government, to have sold off my interest whilst they preserved their artificial value.

But, my Lord, I claim no merit for resisting these temptations; for had I yielded to them, the moral debasement would have sunk me to the grave.

In my public capacity I came to this country without bias to any interest whatsoever; I judged from what I saw, and what I learned from authentic sources, from which I formed a strong conviction that this portion of the country united in itself the numerous qualities requisite for the seat of Government of this promising colony; and I therefore chose this situation.

The enormous prices given for allotments at the recent sale of Auckland speak highly in favour of my selection, and the unanimous opinion of all who have visited the country, seems to confirm the wisdom of my choice. Your Lordship's approval of my proceedings is now only wanting to ensure the prosperity of this town, and relieve my mind from all uneasiness.

As to the value of Port Nicholson as a situation for the seat of Government, I feel quite assured that no fair conclusion can be drawn from the statements made by the Company's agents. We find, for instance, a large portion of the press engaged in circulating the most exaggerated statements of its merits; and a bird's-eye view of the settlement is exhibited in the windows of every print-shop to delude the unwary into a belief that it commands a plain surface; but the perspective, which would show it as it is, broken and precipitous, is carefully kept out of sight.

There is no subject on which I am more solicitous than the re-adjustment of all differences between the Government and the settlers of the southern district. They are a valuable class of colonists, and it shall be my study to disabuse their minds of the evil prepossessions instilled into them by the Company's agents and their press.

I know I have been held up to these people as their only enemy, and all their disappointments have been attributed to me, especially the nonfulfilment of the promise insidiously given in the prospectus of the Company, wherein the town of Wellington is described as "their principal city," which is generally read and understood as "the principal city."

The measures I mean to adopt for their benefit, and that of others at a distance from Auckland, is to institute courts of general, quarter, and petty sessions of the peace, very nearly assimilating to those held in England. And the places where those courts shall be held will afford the means of punishing offenders, without subjecting the prosecutor or witnesses to the inconvenience and expense of travelling, as I hope, beyond a day's journey; and to bring home justice, under the more summary jurisdiction of magistrates, to settlers in remote

NEW
ZEALAND.

(chiefly whaling) stations, I intend to appoint a magistrate, whose duty it will be occasionally to visit such stations, and to hold petty sessions on the spot.

To these will be added courts of requests, which, together with the sessions of magistrates, will provide for all ordinary cases, both civil and criminal, that are at present likely to occur.

It will hereafter become necessary to hold circuit courts for the trial of capital offences and issues in civil actions; but the details of this court cannot be taken into consideration before the arrival of the chief justice.

I know it is an object of great desire to the settlers at Port Nicholson to obtain a charter of incorporation.

When I shall have ascertained that the inhabitants of that or any other town are sufficiently numerous to carry out the details, and afford the expense of managing their own affairs, such as forming and improving roads, streets, &c. I purpose to introduce to the Legislative Council an Ordinance to enable this Government to grant them charters of incorporation, with power to elect their own civic officers, to be called the mayor, aldermen, common councilmen and burgesses, with a common seal, and with the authority which is generally vested in English corporate bodies, except the right of holding courts of justice, or of appointing a recorder; these I mean to retain in the hands of Her Majesty's Government, that I may better exercise control over all judicial proceedings, and preserve Her Majesty's prerogative in the nomination of judges.

By these measures the colonists will enjoy the advantages of legal protection, and the power of managing their own affairs, whilst the Government will be relieved from the enormous expense attendant on the establishment of new towns.

If to these I can add the boon of maintaining more frequent intercourse between the capital and remote stations, I trust that no further obstacle will remain to the restoration of harmony and confidence between the Government and the colonists.

I have to apologise to your Lordship for the diffusive nature of this despatch, but I was unavoidably led into subjects which may appear irrelevant; first, to show the state of public feeling in the colony; secondly, the causes which had engendered that feeling; and lastly, the remedy I propose for the removal of all just grounds of complaint.

Should these measures meet your Lordship's approval, I shall be fully compensated for all the vexatious and offensive opposition I have encountered.

No. 29.
Lord Stanley to
Gov. Hobson.
24 Jan. 1842.

— No. 29. —

(No. 16.)

COPY of a DESPATCH from Lord *Stanley* to Governor *Hobson*.

Sir,

Downing-street, 24 January 1842.

I HAVE to acknowledge the receipt of your Despatch of the 26th of May last, No. 41/11, containing a general statement of society, and of the position in which you stand with respect to the settlers generally, throughout the islands of New Zealand.

I approve of your proceedings as reported in that Despatch, and also of the measures which you state it to be your intention to adopt for the benefit of the colonists generally, and more particularly of those who are resident at a distance from the seat of Government.

I am, &c.

(signed) *Stanley*.

W A I T E M A T A

P^rWilloughby

P^t Fisher

Sec 25

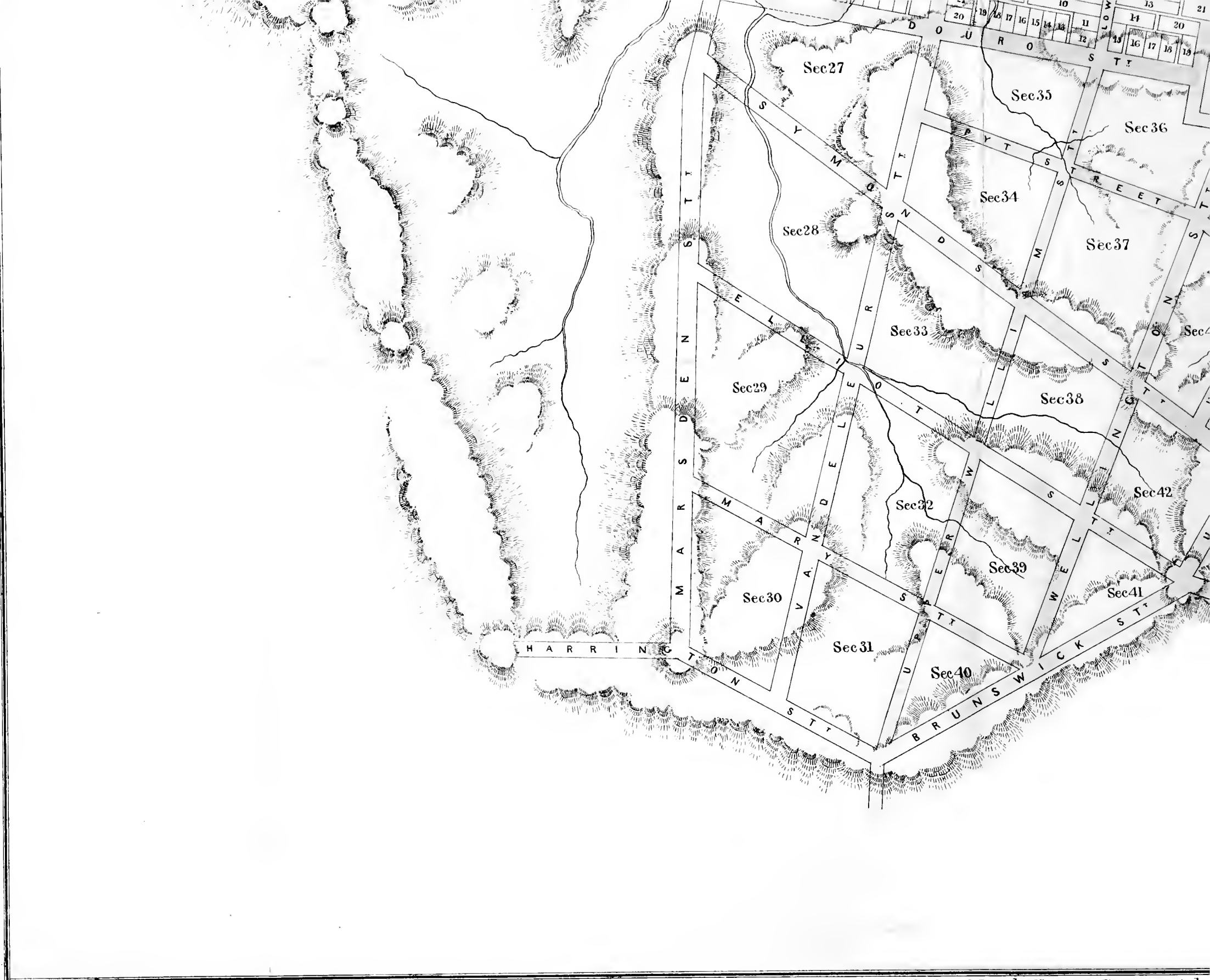
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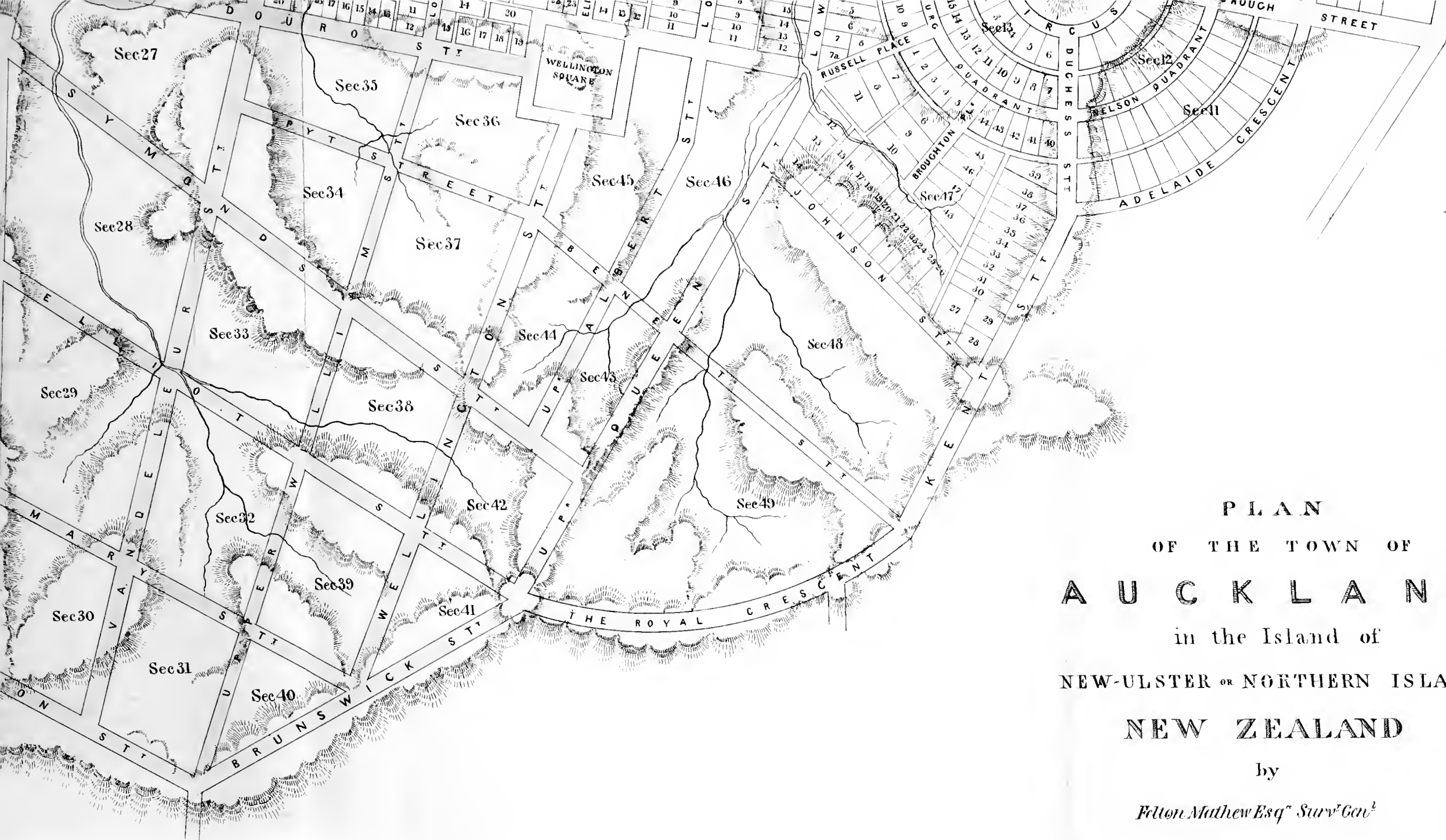
Sec27

Sec 35

M A T A H A R B O U R

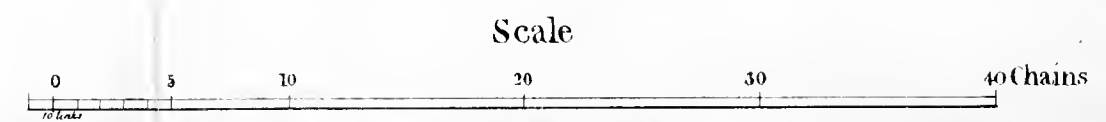


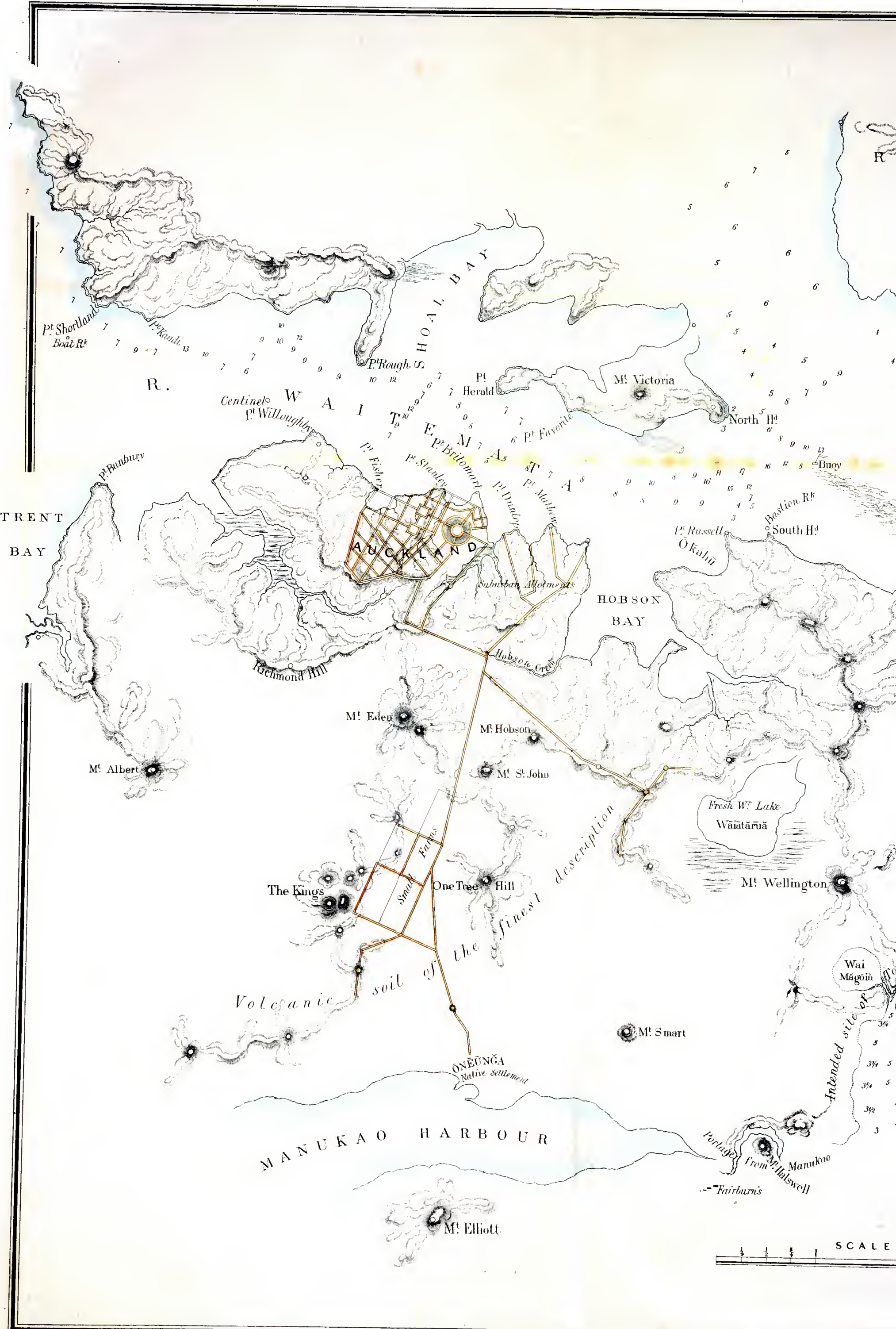


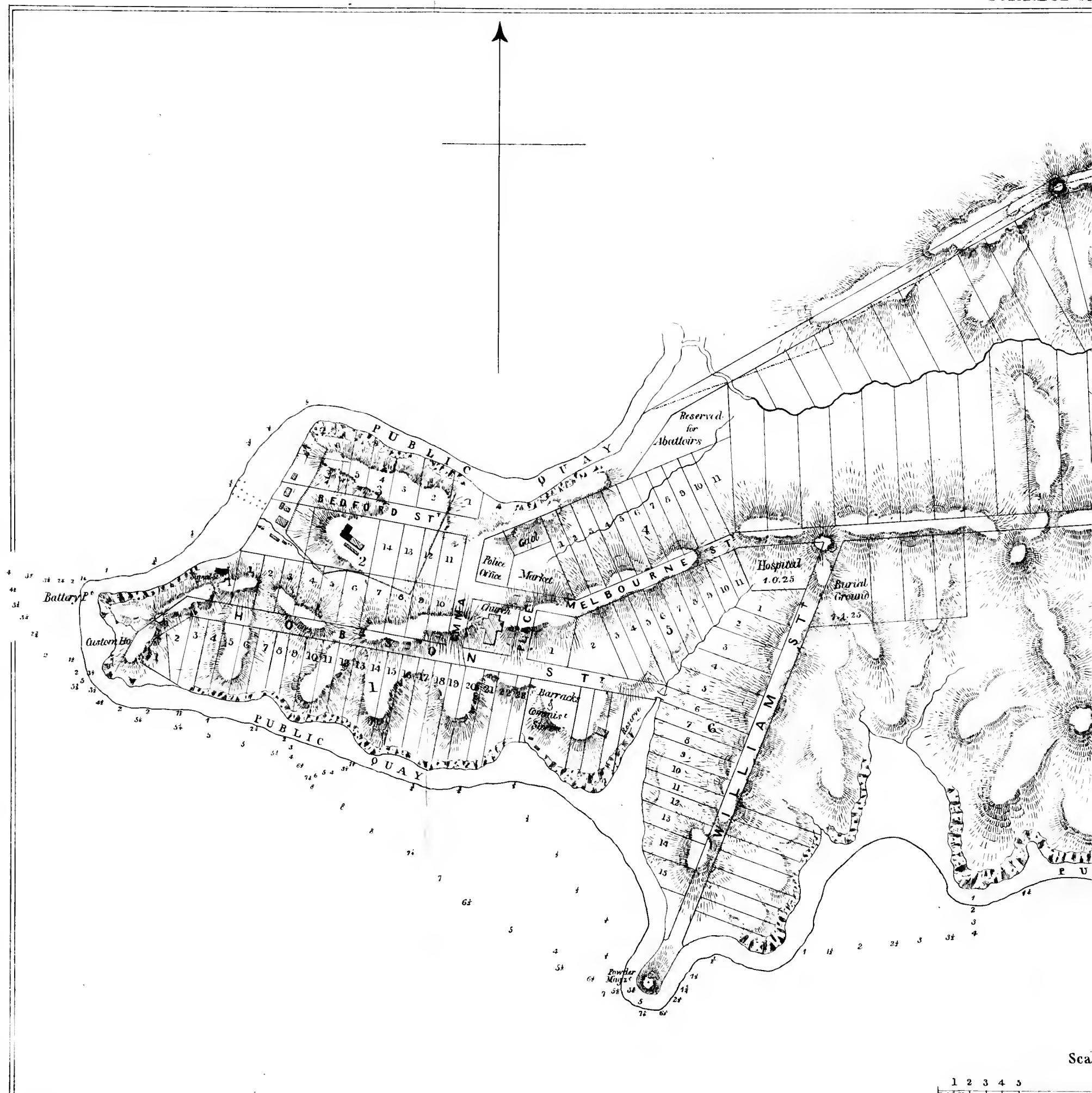


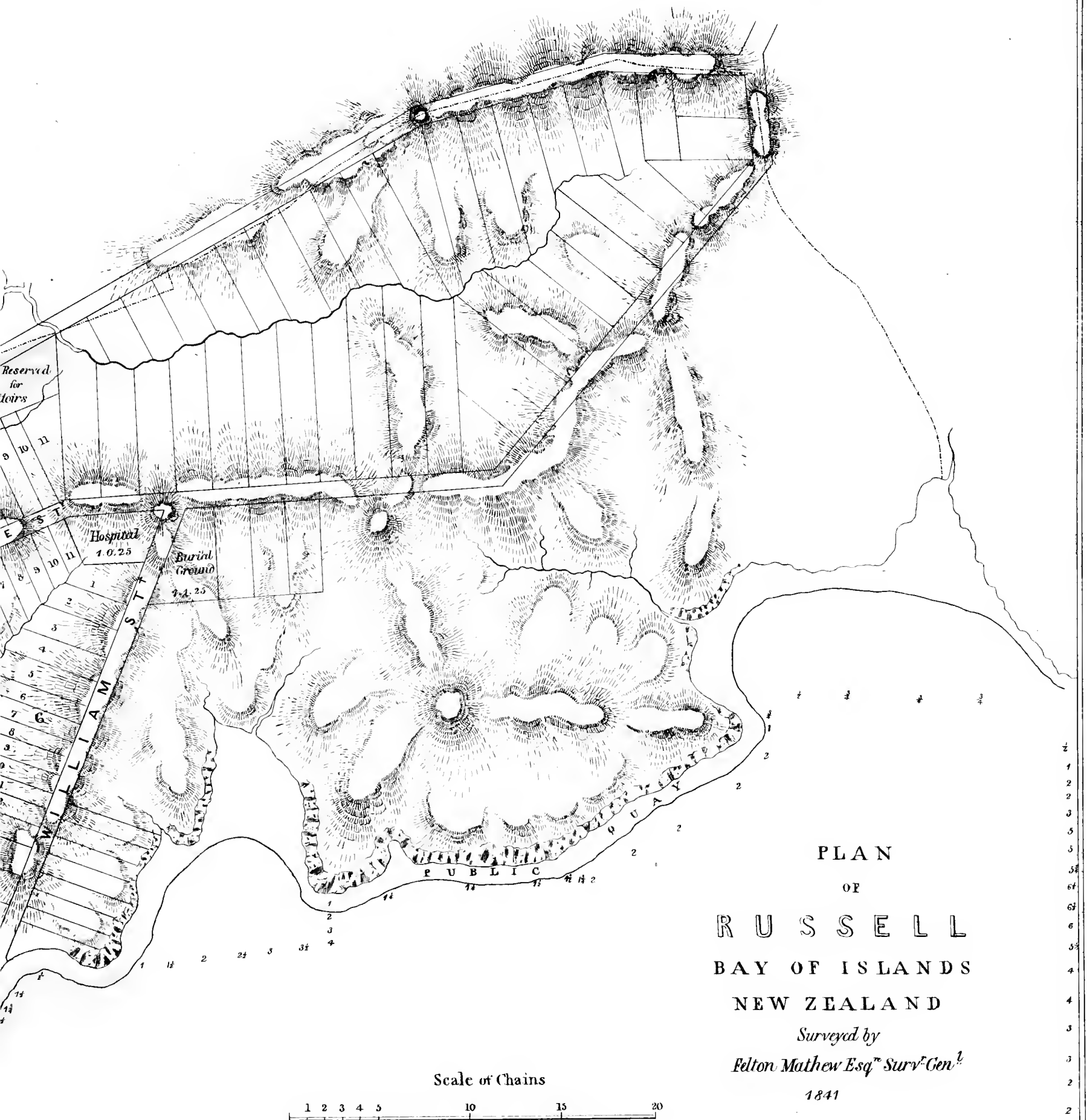
PLAN
OF THE TOWN OF
AUCKLAND
in the Island of
NEW-ULSTER or NORTHERN ISLAND
NEW ZEALAND
by
Fulton Mathew Esq^r Surv^r Gen^l
1841

*Proposed site of
Government House.*





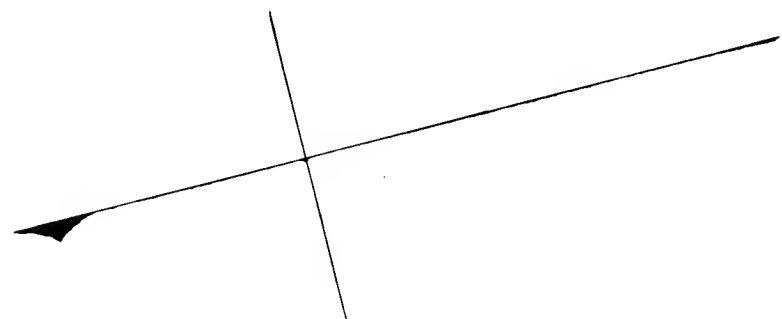




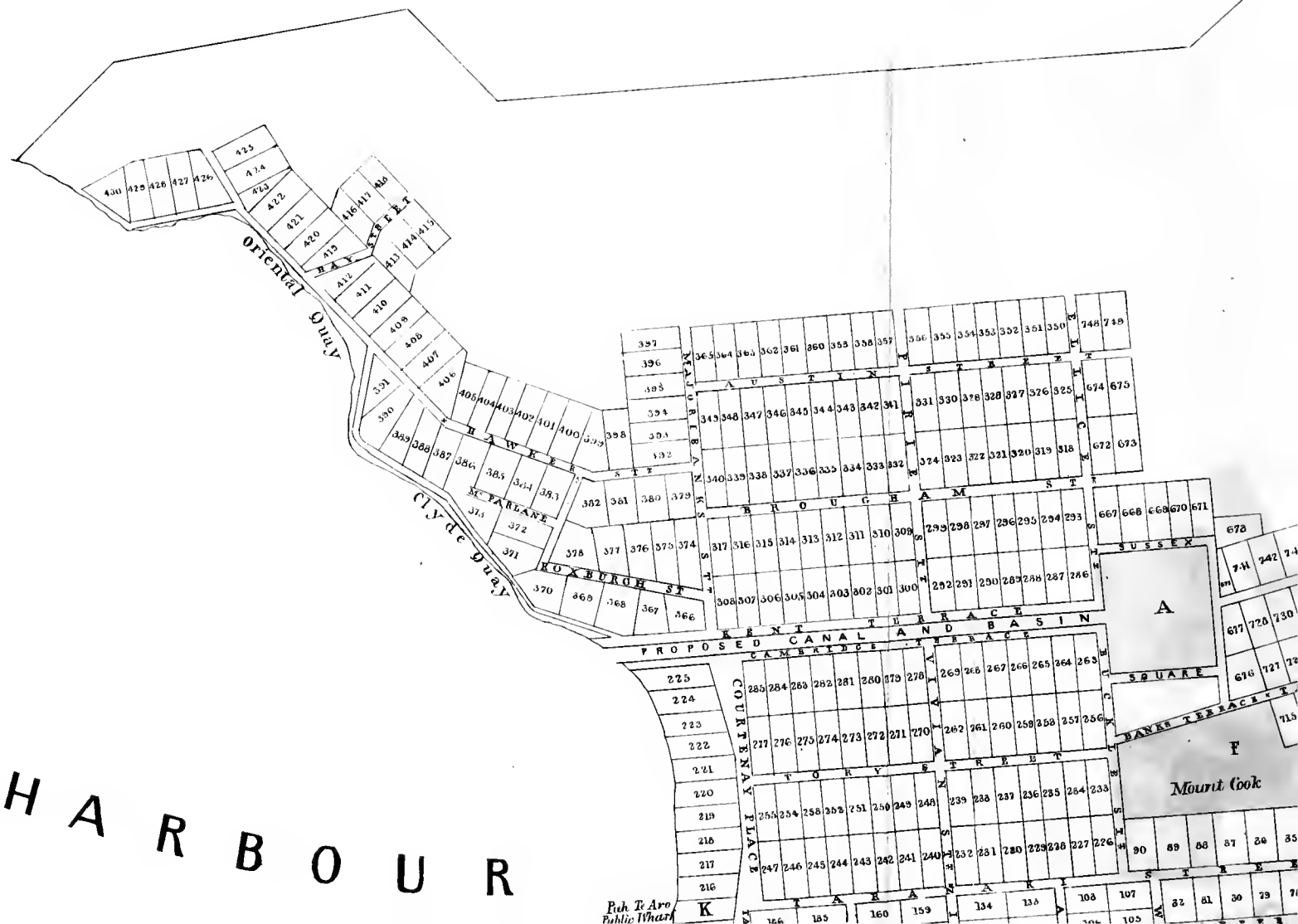


AUCKLAND.



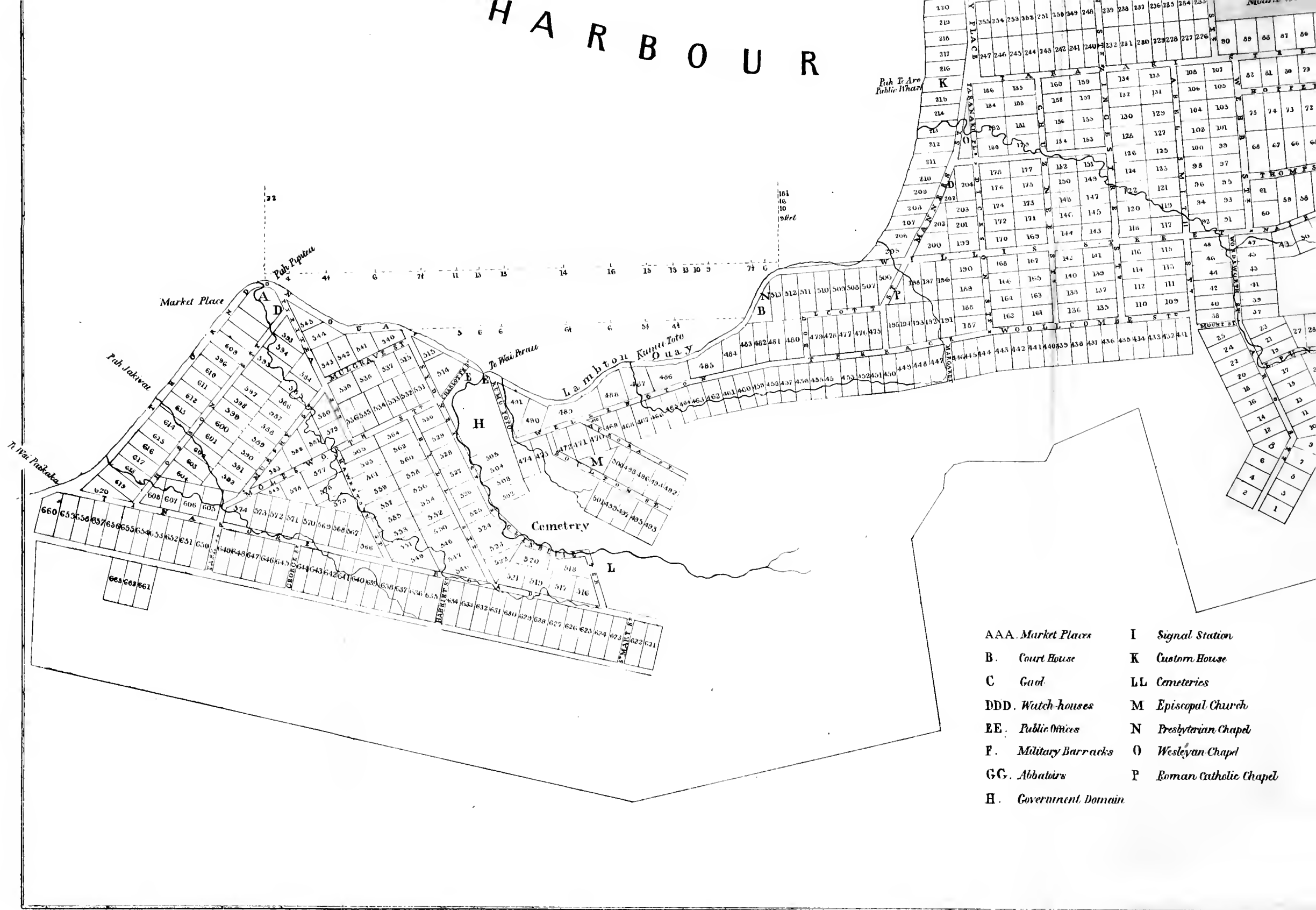


LAMBTON HARBOUR





H A R B O U R



- | | |
|----------------------|-------------------------|
| AAA. Market Places | I Signal Station |
| B. Court House | K Custom House |
| C Gaol | LL Cemeteries |
| DDD. Watch-houses | M Episcopal Church |
| EE. Public Offices | N Presbyterian Chapel |
| F. Military Barracks | O Wesleyan Chapel |
| GG. Abbatoirs | P Roman Catholic Chapel |
| H. Government Domain | |



PLAN
OF THE CITY OF
WELLINGTON
PORT NICHOLSON
THE FIRST & PRINCIPAL SETTLEMENT OF THE
NEW ZEALAND COMPANY

by

Felton Mathew Esq^r Surv^r Gen^l

1841

Scale Six inches to a mile



- | | |
|----------------------|-------------------------|
| AAA. Market Places | I Signal Station |
| B. Court House | K Custom House |
| C Gaol | LL Cemeteries |
| DDD. Watch-houses | M Episcopal Church |
| EE. Public Offices | N Presbyterian Chapel |
| F. Military Barracks | O Wesleyan Chapel |
| GG. Abbatoirs | P Roman Catholic Chapel |
| H. Government Domain | |

The Public Reserves are tinted - Pink.

Native Reserves Green.

Church Missionary Station Grey.

The outer line of the Plan is the Boundary of the Public Reserved Land surrounding the Town.

*The tide rose 2f 6in^s after the outer line of Soundings was commenced from
Belsite Point & about 14 in^s after the inner line was finished. Moon's age 1 day*

— No. 30. —

(No. 41/10.)

COPY of a DESPATCH from Governor *Hobson* to the Principal Secretary of State for the Colonies.

NEW
ZEALAND.

No. 30.

Gov. Hobson to the
Principal Secretary
of State for the
Colonies.

14 July 1841.

My Lord,

Government House, Auckland, New Zealand,
14 July 1841.

I do myself the honour to forward to your Lordship herewith the copy of a letter I have received from Felton Mathew, Esq. the surveyor-general, submitting for transmission to your Lordship three plans, the product of operations in which he has been principally engaged since the establishment of the Government in New Zealand.

Mr. Mathew's Report, as contained in this letter, is so full and explicit, as to render any remarks from me, beyond my testimony to the facts mentioned therein, superfluous.

I have, &c.
(signed) *W. Hobson.*

1.
3 Plans.

Enclosure in No. 30.

Encl. in No. 30.

(No. 41.)

Surveyor-General's Office, Auckland,
19 May 1841.

Sir,

IN accordance with verbal instructions from his Excellency the Governor, I have prepared a plan of the town of Auckland, which I have the honour to forward herewith for transmission to the Right Honourable the Secretary of State for the Colonies.

It is accompanied by a map on a small scale, showing the situation of the town, and embracing the whole of the isthmus between Waitemata and Manukao, together with the principal points and headlands of some of the islands at the mouth of the harbour, and the Frith of Thames, which I have been enabled to determine by my trigonometrical survey, so as to convey a general idea of the central position of the capital with regard to the northern and southern portions of the island, as well as in relation to the eastern and western coasts, between which it forms the connecting link.

I also have the honour to transmit a plan of the town of Russell, in the Bay of Islands, which as the first town established in the colony by the Government, and likely at a future time to form an important settlement in the northern part of the island, I consider that his Excellency might think proper also to lay before the Secretary of State.

In thus submitting to his Excellency the Governor the principal plans which have occupied my time and attention during the past twelve months, I should perhaps accompany them by a report of the general progress which has been made in the survey of this colony since I first had the honour to undertake the office I now hold.

But from the peculiar circumstances in which we have been placed, and which have been so eminently calculated to retard all my proceedings, that progress has by no means kept pace with my wishes, although it may have, and I trust has been, commensurate with the means placed at my disposal. His Excellency being fully cognizant of all my proceedings, it may appear almost superfluous to speak of the past, but I may perhaps be permitted to observe that, in addition to the minute examination which I have made before the site of the capital could be determined, of the line of coast between the Bay of Islands and this harbour, and of the Frith of Thames, the laying out of two towns, and the commencement of a trigonometrical survey extended over the whole isthmus on which the capital stands, and forming the basis of a triangulation which I trust to carry on throughout the island; this, in addition to all the detail of the work, in which, as his Excellency the Governor is aware, I have been unaided by even a clerk or draftsman, will prove I trust that I have not been deficient in zeal for the public service, or negligent of the interests intrusted to my care.

I beg respectfully to observe, that in making this summary report of my proceedings, I am actuated by no vain desire of recording what has been done, but solely by that of accounting satisfactorily for what has not; and I confidently trust that when my department is properly organized, and labour and other appliances, in which I am still so lamentably deficient, are placed within our reach, that I shall be enabled to report from time to time that rapid progress in the survey of this country which is no less desirable for the interests of the colony than it is in accordance with my own views and wishes. I need scarcely advert to the helpless condition in which I am now left, when, after repeated and urgent application, the services of three gentlemen were engaged in Sydney for my department, who were despatched to New Zealand, a place utterly destitute of means, without instruments, stores, camp equipment, or men to assist in the prosecution of their duties.

I have the purpose of respectfully urging on his Excellency the necessary supplies of all kinds from England

direct,

direct, where they can be procured much more readily, more cheaply, and in every respect better than in New South Wales.

With this view I am now preparing, and shall have the honour to submit in a few days, a statement of the surveying instruments and other articles which I consider necessary in order to insure a supply adequate to the wants of my department.

I have, &c.
(signed) *Felton Mathew*,
Surveyor-General.

— No. 31. —

(No. 41/1.)

No. 31.

Gov. Hobson to the
Principal Secretary
of State for the
Colonies.
27 July 1841.

COPY of a DESPATCH from Governor *Hobson*, to the Principal Secretary
of State for the Colonies.

New Zealand Government House, Auckland,
New Ulster, 27 July 1841.

My Lord,

I HAVE the honour to draw to your recollection that in your despatch of the 9th December 1840, No. 1, giving to me general instructions for the future administration of the Government of this colony on its separation from New South Wales, your Lordship stated it "to be absolutely necessary, first, that a commission should ascertain, and that the law should determine, what lands were private, and what public property;" and your Lordship directed me, "if on the receipt of that despatch a commission, appointed by the Governor of New South Wales under a law passed in that colony, should be in force in New Zealand, to take the earliest opportunity for superseding both that commission and the law, by the enactment of a local Ordinance for the same general purposes."

In compliance with such your Lordship's directions, it of course became incumbent upon me to assemble the members of the Legislative Council at an early period, and measures were taken for this purpose.

Pending, however, the meeting of the Council, a doubt was raised in the Executive Council (which then consisted of the colonial secretary and colonial treasurer, as my official advisers) as to how far the acts and laws of the Legislative Council of New South Wales were in force, and continued in operation within the Islands of New Zealand after their erection into an independent colony; and as that doubt was confirmed by the opinion of the legal gentleman to whom the question was referred, and who subsequently was nominated by me to fill the office of attorney-general, a copy of whose opinion I send herewith, the early assembling of the Legislative Council became the more urgent; and its labours closed by the enactment of six Ordinances, of which I have now the honour to transmit certified and official copies, and which I confidently submit to your Lordship for confirmation.

As the Acts of the Governor and Legislative Council of New South Wales, 4 Victoria, No. 7, under which Sir George Gipps appointed commissioners for examining and reporting upon claims to grants of land in this colony, had been expressly passed for, and would be only applicable to New Zealand, I deemed it right, in order to remove the doubt which existed as to whether that and the other Acts of New South Wales were or were not in force in New Zealand after the separation of the colonies, to propose to the first Legislative Council of this colony the adoption of all the laws of New South Wales, so far as they could be applied to the administration of justice in this our new colony.

Your Lordship will observe that the Ordinance No. 1 is of a very general and comprehensive nature, and was framed purposely to meet the exigency occasioned by the doubts before alluded to. It embraces all Acts of the Legislative Council of New South Wales, passed, and in force before the separation of the two colonies, so far as they can be adopted in this colony; and your Lordship will, I am assured, agree with me that this Ordinance was expedient, although it can be considered only as a temporary measure, introduced for the purpose of enabling me for the present to carry out the principles in the administration of justice, which have already been applied and acted upon in these islands. So many, however, of the New South Wales Acts are so peculiarly and solely adapted to a penal settlement, that I shall avail myself of the earliest opportunity to frame and introduce at the next meeting of the Legislative Council such other separate and distinct Ordinances as the growing importance of this young colony

and

For Lord J. Russell's
Despatch, 9 Dec. 1840,
vide Papers relative to
New Zealand, ordered
by the House of Com-
mons to be printed,
11 May 1841, No. 311
p. 24.

A.
Nos. 1 to 6.
Ordinances, Nos. 1 & 2,
vide pp. 119-120 of this
volume. For Ordi-
nances Nos. 3, 4, 5 & 6,
vide New Zealand Ordi-
nances, ordered by the
House of Commons to
be printed, 28 February
1842, No. 61.

and the increase in its European settlers may call for; and it will be my duty in availing myself of any portions of the New South Wales laws to omit all enactments which can only be necessary in a penal colony. Your Lordship will observe that this Ordinance follows the enactments of the New South Wales Act, 3 Vict. No. 28, and contains a similar indemnity clause.

In accordance with your Lordship's instruction I caused to be prepared, and the Legislative Council adopted, the Ordinance No. 2, which you will find to be an enactment for the same general purposes as the Act of the Governor and Legislative Council of New South Wales, under which commissioners for investigating claims to grants of lands in this colony were appointed by that Governor. I have, however, deemed it advisable to insert in clause 2 of this Ordinance the words "leases or pretended leases," in order to dispel an erroneous idea, which had obtained considerable weight, that the occupation of lands under leases was not prohibited in express terms by the New South Wales Act; and another amendment was introduced in clause 5, granting to parties interested, under particular circumstances, a further term of 12 months for preferring their claims. These amendments, I trust, will meet with your Lordship's approval.

Considerable doubts having existed among captains or masters in command of foreign ships visiting these islands, as to the power of Her Majesty's Government to impose on them even the same duties of customs which were to be collected from Her Majesty's subjects, my attention was therefore directed to this matter, and I determined to assert Her Majesty's prerogative thereon.

Your Lordship is aware that, by an Act of the Governor and Legislative Council of New South Wales, 4 Vict. No. 19, no duties of customs were to be levied in New Zealand before the 1st July 1841; while that Act provided that no duty should be payable on tobacco imported into any of the New Zealand Islands until 1 January 1843; and as it appeared to me advisable that certain alterations in the New South Wales General Customs Regulation Act, 2 Vict. No. 3, should be made, especially in regard to the duties to be imposed and collected on spirits and tobacco in this colony, I found it necessary to call upon the Legislative Council to take this subject into immediate consideration, and the Ordinance No. 3, providing for the general regulation of the customs in New Zealand has been passed. It is very nearly, if not altogether a transcript of the New South Wales Act for the same purpose; and as that Act received during its preparation very great attention, and seemed to me to carry out all the necessary arrangements, and to contain all the powers which the importance of a revenue collection required, I thought it best to follow so excellent a precedent.

It may be necessary to explain to your Lordship that, with respect to the duty on tobacco, I found by experience that no benefit resulted to the natives by its suspension; for so large a supply was forced into the market, and it became so cheap, that it was no longer received by them as payment for work as heretofore; and as the present supply on hand is quite sufficient to meet the demands of the ensuing year, I deemed it right to recommend to the Legislative Council to alter the period fixed for levying the duty by the New South Wales Act of Council before quoted, from 1st January 1843 to the 1st of January 1842.

In order, however, to do away with the temptation and opportunities which this colony affords for smuggling, by its bays and rivers, which are all accessible to the small vessels employed in the coasting trade; and to remove, if possible, from the aboriginal race the demoralizing effects of that nefarious traffic, I have fixed the duties on spirits and tobacco at apparently a low rate. I am in the confident expectation that by so doing the revenue will be materially increased, and I feel certain that such reduced rates, taking into consideration the high price of labour, the limited means, and the difficulties which will consequently attend any attempt at the introduction of smuggled spirits or tobacco into the interior of this colony, must tend to remove any inducement which might otherwise remain to contravene the provisions of this Ordinance.

The great inconvenience to which the European settlers in these islands have been for a long time subjected, for want of a competent authority to act in the absence of courts of criminal and civil jurisdiction, formed also another portion of those early provisions which, having been pressed upon my notice, called for an immediate remedy.

Aware that, until the arrival of the chief justice of this colony, whom your Lordship leads me soon to expect, I could not make any arrangement for the Supreme Court of the colony, I still judged it of paramount importance, so far

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as I could, to establish courts of general, quarter, and petty sessions of the peace, which I trust will be found sufficient to meet all the cases that may occur, until further provision can be made for holding courts of superior jurisdiction.

It is unnecessary for me to make other observations on the Ordinance No. 4 of the Legislative Council, than that it institutes courts of general and quarter sessions, authorizes the holding of petty sessions, defines their respective powers, and assimilates, as nearly as circumstances admit, the establishment and holding of those courts to the basis of such courts in England.

Provision has been made, as your Lordship will observe, under the present state of this colony, for an attendance of jurors, who cannot possess qualifications which would be requisite in England. I feel, that without adopting this step, it would be impossible to constitute a jury; and when I look upon the state and condition of that portion of our society which is composed of mechanics, I cannot but entertain a well-grounded hope that the privilege which they thus obtain will prove beneficial to them, and act as an incentive to a sober and moral course of life.

The number of detached settlements, especially in the whaling districts, require the occasional attendance of a magistrate, and I have therefore adopted a provision for the appointment of visiting justices, whose duties will be discharged on the more remote and distant parts of the colony.

The subject of the distilling, rectifying, and compounding of spirits had for some time occupied the attention of the Governor and Legislative Council of New South Wales, and it had been in contemplation then to abolish it altogether. Sanctioned and established, as it had been, by legislative enactments, its abolition was found to be impossible for a time, without immense expense to the Government, or great loss to the individuals who had established themselves under the guarantee of the law.

My attention was particularly drawn to this matter by the collector of customs, Mr. Cooper, who, being well conversant with the inconvenience which arose from its allowance, and aware of the expense and trouble it entailed upon the Government, particularly in his department, in carrying out the necessary details to enforce the provisions of the New South Wales Distillation Act, 2 Vict. (No. 9), suggested to me the propriety of altogether preventing distillation in the colony; and as I apprehend great difficulty, if once permitted, in regulating or putting a stop to it, and deeming it injurious and pernicious to the native inhabitants of this colony, and of no real benefit to settlers, I have caused the Ordinance No. 5 to be prepared, and it has become one of the laws of this colony.

The observations I have already made upon the causes which led me to propose, and induced the Legislative Council to establish, courts of general, quarter, and petty sessions, apply to the last Ordinance, No. 6, which I have to submit for your Lordship's consideration.

In the formation of courts of requests, I have been much assisted by a knowledge of the benefit which the commerce of each of our neighbouring colonies, New South Wales and Van Diemen's Land, have derived from similar establishments.

In framing the Ordinance for this purpose, I have endeavoured to give to its jurisdiction as much of equitable consideration as possible; and I think your Lordship will find that the commissioner of each court will have rather to act as an arbitrator between party and party, than as a judge, called upon and by law compelled either to enforce a payment, probably impossible to be made, or to award imprisonment, attended with no benefit to the creditor, and altogether detrimental to the debtor.

(B.)

The Ordinances thus brought under your Lordship's notice, of the numbers and titles of which I herewith transmit a copy, have been drawn under circumstances admitting of little delay, and, with our present limited means, with as much care and deliberation in their preparation as those circumstances and those means afforded.

I do myself the honour to express my hope and expectation that they will meet with your Lordship's entire approbation.

I have, &c.
(signed) W. Hobson.

Enclosure (A.) in No. 31.

Encl. (A.) in No. 31.

MINUTE.—Tuesday, 4th May 1841.

HIS Excellency the Governor was pleased to submit to the Council the following question, viz. "How far the laws of New South Wales are applicable to New Zealand?"

Ordered, That a copy of this Minute be forwarded by the clerk of the Council to Mr. Fisher for his opinion, he being the most ostensible and best qualified person to advise the Council.

(True copy.)

(signed) J. Coates, Clerk of Council.

OPINION.

HIS Excellency the Governor having been pleased, with the advice of the members of the Executive Council, to require my opinion upon the question, "How far the laws of New South Wales are applicable to New Zealand?" I have endeavoured to give to this question that consideration which its importance requires. At present I do not possess the means of referring to any authority upon the subject; and the patent erecting this colony into a separate government only, as I suppose, recites a part of the Act of the Imperial Parliament, 4 Vict.; and as no copy of that Act has been received, its other enactments, if any, are unknown. A passage, however, in the instructions transmitted to his Excellency, would seem to imply that in the opinion of the Right honourable the Secretary of State for the Colonies, the laws of New South Wales are in force in this colony; but as those instructions are dated 5th December 1840, and the Act of the Governor and Legislative Council of New South Wales, 3 Vict. (No. 28), only passed that Council on the 16th June 1840, and as Her Majesty's patent is dated 16th November 1840, it is clear that the New South Wales Act, declaring the laws of that colony to extend to New Zealand, could not at that time have received Her Majesty's approval.

It seems to me also clear, that the Legislative Council of New South Wales, which numbered amongst its members the chief justice and attorney-general, did not consider the laws of that colony to extend to New Zealand, although then annexed to its government, until so declared by an enactment of its Legislative Council; and as, under the Act of the Imperial Parliament of Great Britain, Her Majesty has declared and erected New Zealand into a separate and independent colony, I cannot but arrive at the conclusion that the same rule must apply to this colony which would be acted upon in any other newly-acquired territory becoming part of the Crown of England, either by conquest, by cession, or by right of occupancy.

In the position in which this colony now stands, there cannot be a doubt but that the common law of England, as well as all laws of the British Parliament which are applicable to the condition and situation of the colonists, are in force.

I do not, however, think that any of the laws of the Legislative Council of New South Wales are now in force in this colony; but as a doubt may arise, under the circumstances to which I have before alluded, I would recommend that an Act of the Legislative Council of this colony be passed, at the earliest period, similar to the Act of the Government of New South Wales, 3 Vict. (No. 28).

Auckland, 11 May 1841.

Francis Fisher, Attorney-General.

(True copy.)

(signed) J. Coates, Clerk of Council.

Enclosure (B.) in No. 31.

TITLES of the Ordinances passed by the Governor and Council.

Encl. (B.) in No. 31.

No. 1. AN Ordinance to declare that the laws of New South Wales, so far as they can be made applicable, shall extend to and be in force in Her Majesty's colony of New Zealand, from and subsequent to the date of Her Majesty's Royal charter and letters patent, erecting into a separate colony the islands of New Zealand, and to indemnify the Lieutenant-governor and other officers thereof for certain Acts done and performed between the date of the said Royal charter and letters patent and the day of passing this Ordinance.

No. 2. An Ordinance to repeal within the said colony of New Zealand a certain Act of the Governor and Legislative Council of New South Wales, made and passed in the fourth year of the reign of Her present Majesty and adopted under an Ordinance of the Governor

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and Legislative Council of New Zealand, for extending the laws of New South Wales to the said colony of New Zealand; and which said Act of the Governor and Council of New South Wales is intituled "An Act to empower the Governor of New South Wales to appoint Commissioners with certain Powers to examine and report on claims to Grants of Land in New Zealand;" and also to terminate any commission issued under the same, and to authorize the Governor of the colony of New Zealand to appoint commissioners with certain powers to examine and report on claims to grants of lands therein, and to declare all other titles, except those allowed by the Crown, null and void.

* No. 3. An Ordinance to repeal within the said colony of New Zealand an Act of the Governor and Council of New South Wales, passed in the third year of Her present Majesty's reign, intituled "An Act to repeal an Act relating to the Revenue of Customs in New South Wales, and to provide for the General Regulation thereof;" and also a certain other Act of the said Governor and Council of New South Wales passed in the fourth year of the reign of Her said present Majesty Queen Victoria, intituled "An Act for increasing the Duties on Spirits, Wine, and other Goods and Merchandize imported into the Colony of New South Wales and its Dependencies;" and which said Acts of the Governor and Council of New South Wales were adopted, and are now in force within the said colony of New Zealand and its dependencies; and to make provision for the collection of certain duties on goods imported into, and for the general regulation of the revenue of customs in the colony of New Zealand and its dependencies.

* No. 4. An Ordinance for instituting and regulating courts of general and quarter sessions in the colony of New Zealand, and to authorize the holding of petty sessions within the same, and for defining their respective powers, and determining the places at which the same shall be holden; and for repealing within the colony of New Zealand certain Acts of the Governor and Council of New South Wales, adopted and now in force within the said colony of New Zealand.

* No. 5. An Ordinance for prohibiting the distillation of spirits within the colony of New Zealand.

* No. 6. An Ordinance, instituting courts of civil jurisdiction, to be called Courts of Requests in different parts of the colony of New Zealand and its dependencies.

(signed) *W. Hobson.*

Enclosure 1, in No. 31.

ANNO QUARTO VICTORIÆ REGINÆ.

Encl. 1, in No. 31. No. 1.—By his Excellency *William Hobson*, Esq., Captain in Her Majesty's Royal Navy, first Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand, with the Advice and Consent of the Legislative Council thereof.

Title. "AN ORDINANCE to declare that the Laws of New South Wales, so far as they can be made applicable, shall extend to and be in force in Her Majesty's Colony of New Zealand, from and subsequent to the date of Her Majesty's Royal Charter and Letters Patent, erecting into a separate Colony the Islands of New Zealand, and to indemnify the Lieutenant-Governor and other Officers thereof for certain Acts done and performed between the date of the said Royal Charter and Letters Patent, and the day of passing this Ordinance."

Preamble. WHEREAS, by an Act of the Governor and Legislative Council of New South Wales, made and passed in the third year of the reign of Her present Majesty, intituled, "An Act to declare that the Laws of New South Wales extend to Her Majesty's Dominions in the Islands of New Zealand, and to apply the same, as far as applicable, in the Administration of Justice therein, and to indemnify certain Officers for Acts already done:" after reciting that Her Majesty had been pleased to annex Her Majesty's dominions of New Zealand to the government of New South Wales, it is enacted that all Laws and Acts or Ordinances of the Governor and Legislative Council of New South Wales, which then were or thereafter might be in force within the said colony, should extend to and be applied in the administration of justice within Her Majesty's dominions in the said islands of New Zealand; so far as they could be applied therein: And whereas, under and by virtue of an Act of Parliament made and passed in the fourth year of Her said Majesty's reign, intituled, "An Act to continue until the 31st day of December 1841, and to the end of the then next ensuing Session of Parliament, the Provisions of any Act to provide for the Administration of Justice in New South Wales and Van Diemen's Land, and for the more effectual government thereof; and for other Purposes relative thereto;" Her Majesty did, by her Royal charter and letters patent,

* For Ordinances, Nos. 3, 4, 5, and 6, *vide* New Zealand Ordinances, ordered by The House of Commons to be printed, 28 February 1842, No. 61.

patent, under the great seal of the United Kingdom of Great Britain and Ireland, bearing date at Westminster the 16th day of November 1840, erect into a separate colony the islands of New Zealand, theretofore comprised within, or dependencies of the colony of New South Wales, with all other islands lying between certain latitude and longitude therein mentioned, and did further provide, that from thenceforth the said islands should be known and designated as the colony of New Zealand: And whereas, by Her said Royal charter and letters patent, Her Majesty did constitute a Legislative Council for the said colony of New Zealand, with full power and authority to make and ordain all such Laws and Ordinances as might be required for the peace, order, and good government of the said colony: And whereas it is expedient, until such Laws and Ordinances can be well considered and ordained, that all such Laws, Acts, or Ordinances of New South Wales as are applicable to the colony of New Zealand, should continue to be acted upon and be applied therein:

And in order to remove any doubt which may exist, whether the said Laws, Acts, or Ordinances of the said Governor and Legislative Council of New South Wales are and continue in force within the said colony of New Zealand, from and subsequent to the date and proclamation of such Her Majesty's said Royal charter and letters patent:

1. Be it therefore enacted and ordained, by his Excellency the Governor in and over the colony of New Zealand, with the advice of the Legislative Council thereof, that so much of all and every of the Laws, Acts, or Ordinances heretofore made by the Governor and Legislative Council of New South Wales, and now in force therein, as have already been, and can hereafter, during the continuance of this Ordinance, be applied within the said colony of New Zealand, shall be and the same are hereby adopted and declared, and directed to be extended to and applied in the administration of justice in the said colony of New Zealand, in the like manner as all other the laws of England, and as if the same had been repealed and re-enacted in this Ordinance.

So much of all laws of New South Wales as have already been, and can be applied to the colony of New Zealand, adopted.

2. And whereas doubts may arise as to the validity of acts done and performed in the said colony of New Zealand, since the date of Her said Majesty's Royal charter and letters patent, by his Excellency, as the Lieutenant-governor of the same, and by justices of the peace, officers of customs, constables, and other officers under and by virtue of the said partly-recited Act of the Governor and Legislative Council of New South Wales; for the removal whereof,

Further preamble.

Be it therefore further enacted, that the said Lieutenant-governor of the colony of New Zealand, and all justices of the peace, officers of customs, constables, and other officers, and all persons whomsoever therein who may have acted under and by virtue of any commission or appointment of Her Majesty, or of the Governor of New South Wales, or of the said Lieutenant-governor of the said colony of New Zealand, or under any orders and directions of the same Lieutenant-governor, or of his Excellency the Governor, since his assuming the government of the said colony of New Zealand, previous and up to the passing of this Ordinance, shall be, and they and each and every one of them are, hereby indemnified against, and freed and discharged from, all damages, penalties, and forfeitures to which they or any one of them may have heretofore, or may now otherwise be liable for any act so done or performed.

Indemnity for acts done since 16th November 1840.

3. And be it further enacted, that no act done or performed by any such officer or other person aforesaid, shall be questioned or avoided in any court of law, by reason of any supposed want of power and authority; and that all such acts so done and performed shall be, and they are declared to be, as valid and effectual in law, to all intents and purposes, as if each of such officers and persons aforesaid had done and performed such acts within and under, or by virtue of any law or statute of the Parliament of Great Britain and Ireland.

Such acts declared valid.

4. And be it further enacted and ordained, that in all or any of the said Acts of the Governor and Legislative Council of New South Wales which shall, under and by virtue of this Ordinance, be brought into operation, and extended to and applied in the said colony of New Zealand, whenever the words "Governor, with the advice of the Executive Council," "Governor," "Justice or justices of the peace," or "Government Gazette of New South Wales," are used in such Act or Acts, the same words shall be construed to mean, and shall include and extend to, "The Governor, with the advice of the Executive Council of New Zealand," or "Governor for the time being," and "all or any justice or justices of the peace," and to the "Government Gazette of the said colony of New Zealand;" and that all words and expressions referring or having relation to New South Wales shall be, and the same are hereby directed to be, applied and construed to extend to the said colony of New Zealand.

Interpretation clause.

(signed) *William Hobson*, Governor.

Passed the Legislative Council, this 3d day of June, in the year of our Lord 1841.

(signed) *J. Coates*, Clerk of Council.

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ANNO QUARTO VICTORIÆ REGINÆ.

No. 2.—By his Excellency *William Hobson*, Esq. Captain in Her Majesty's Royal Navy, first Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand, with the Advice and Consent of the Legislative Council thereof.

Title.

"AN ORDINANCE to repeal, within the said Colony of New Zealand, a certain Act of the Governor and Legislative Council of New South Wales, made and passed in the fourth Year of the Reign of Her present Majesty, and adopted under an Ordinance of the Governor and Legislative Council of New Zealand, for extending the Laws of New South Wales to the said Colony of New Zealand, and which said Act of the Governor and Council of New South Wales is intituled, 'An Act to empower the Governor of New South Wales to appoint Commissioners, with certain Powers, to examine and report on Claims to Grants of Land in New Zealand,' and also to terminate any Commission issued under the same, and to authorize the Governor of the Colony of New Zealand to appoint Commissioners, with certain Powers, to examine and report on Claims to Grants of Land therein, and to declare all other Titles, except those allowed by the Crown, null and void."

Preamble.

WHEREAS, by an Act of the Governor and Legislative Council of New South Wales and its Dependencies, made and passed in the fourth year of the reign of Her present Majesty, intituled, "An Act to empower the Governor of New South Wales to appoint Commissioners, with certain Powers, to examine and report on Claims to Grants of Land in New Zealand;" after reciting that, in various parts of the islands of New Zealand, comprehended within the limits of the territory and government of New South Wales, tracts or portions of land were claimed to be held by various individuals, by virtue of purchases or pretended purchases, gifts or pretended gifts, conveyances or pretended conveyances, or other titles, either mediately or immediately from the chiefs or other individuals of the aboriginal tribes inhabiting the same; and reciting that no such individual or individuals could acquire a legal title to or permanent interest in any such tracts or portions of land, by virtue of any gift, purchase, or conveyance, by or from the chiefs or other individuals of such aboriginal tribes as aforesaid; and also reciting that Her Majesty had, by instructions under the hand of one of Her Majesty's Principal Secretaries of State, dated the 14th day of August 1839, declared Her Royal will and pleasure not to recognise any titles to land in New Zealand which did not proceed from, or were not, or should not be allowed by Her Majesty; and after stating that it was expedient and proper to put beyond doubt the invalidity of all titles to land within the said islands of New Zealand, founded upon such purchases or pretended purchases, gifts or pretended gifts, conveyances or pretended conveyances, or other titles, from the same uncivilised tribes, or aboriginal inhabitants of New Zealand; it was, therefore, in and by the said now reciting Act, declared and enacted, that all titles to land in New Zealand which were not, or might not, thereafter be allowed by Her Majesty, were and should be absolutely null and void: And the said now reciting Act then authorizes and empowers the said Governor of New South Wales to issue one or more commission or commissions, and thereby to appoint commissioners, who should have full power and authority to hear, examine, and report on all claims to grants of land in New Zealand, with certain other powers and provisions in the said Act contained: And whereas the said Governor of New South Wales, under and by virtue of the said Act, did issue his commission, bearing date, under the seal of the said colony of New South Wales, the 30th day of September, in the year of our Lord 1840, thereby appointing certain commissioners, with power to hear, examine, and report on all claims to grants of land in New Zealand: And the said commissioners appointed therein did proceed to hear and examine certain of such claims, but have not as yet reported thereon; and other of the like claims have been lately referred to the said commissioners by the said Governor of New South Wales: And whereas, since the appointment of the said commissioners, the islands of New Zealand have been separated from the Government of New South Wales, and erected into a colony by Her Majesty's Royal Charter; and it is therefore expedient and necessary that the said Act of the Governor and Legislative Council of New South Wales and its dependencies should be repealed, and the said commission so issued by the said Governor thereof determined: And whereas it is expedient and proper that a local Ordinance for the same general purposes, intended to be provided for by the said in part recited Act of the Governor and Council of New South Wales, together with such other enactments applicable to the altered circumstances of the colony of New Zealand, should be enacted by the Governor and Legislative Council of the same.

The New South
Wales Act, 4 Vict.
No. 7, repealed.

Commission deter-
mined.

1. Be it therefore enacted and ordained, by his Excellency the Governor in and over the said colony of New Zealand, with the advice and consent of the Legislative Council of the same colony, that from and immediately after the passing of this Ordinance, the said Act of the Governor and Council of New South Wales so adopted as aforesaid, intituled, "An Act to empower the Governor of New South Wales to appoint Commissioners with certain powers to examine and report on claims to grants of Land in New Zealand," be and the same is hereby repealed and of no effect within the said colony of New Zealand; and the said commission so issued by the said Governor of New South Wales, under and by virtue of the powers for that purpose contained in the said Act, is hereby determined and declared

declared to be null and void, anything in the said Act to the contrary thereof notwithstanding.

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2. And whereas it is expedient to remove certain doubts which have arisen in respect of titles of land in New Zealand; be it therefore declared, enacted, and ordained, that all unappropriated lands within the said colony of New Zealand, subject, however, to the rightful and necessary occupation and use thereof, by the aboriginal inhabitants of the said colony, are and remain Crown or domain lands of Her Majesty, Her heirs and successors, and that the sole and absolute pre-emption from the said aboriginal inhabitants vests in and can only be exercised by Her said Majesty, Her heirs and successors; and that all titles to land in the said colony of New Zealand which are held or claimed by virtue of purchases or pretended purchases, gifts or pretended gifts, conveyances or pretended conveyances, leases or pretended leases, agreements, or other titles, either mediately or immediately from the chiefs or other individuals or individual of the aboriginal tribes inhabiting the said colony, and which are not, or may not hereafter be allowed by Her Majesty, Her heirs and successors, are and the same shall be absolutely null and void.

All titles to land in New Zealand absolutely null and void, except allowed by Her Majesty.

Provided, and it is hereby declared, that nothing in this Ordinance contained is intended to or shall affect the title to any land in New Zealand already purchased from Her Majesty's Government, or which is now held under Her Majesty.

Not to affect land purchased of, or held under, Her Majesty.

3. And whereas Her Majesty hath, in the said instructions, been pleased to declare Her Majesty's gracious intention to recognise claims to land which may have been obtained on equitable terms from the said chiefs or aboriginal inhabitants or inhabitant of the said colony of New Zealand, and which may not be prejudicial to the present or prospective interests of such of Her Majesty's subjects who have already resorted, or who may hereafter resort to and settle in the said colony: And whereas it is expedient and necessary that in all cases wherein lands are claimed to be held by virtue of any purchase, conveyance, lease, agreement, or any other title whatsoever from the said chiefs or tribes, or any aboriginal inhabitants or inhabitant whomsoever of the said colony of New Zealand, an inquiry be instituted into the mode in which such claims to lands have been acquired, the circumstances under which such claims may be and are founded, and also to ascertain the extent and situation of the same;

Governor may appoint Commissioners to hear, examine and report on claims to grants of land in New Zealand.

Be it therefore enacted and ordained, that it shall and may be lawful for the Governor of the said colony of New Zealand, and he is hereby authorized and empowered to issue one or more commission or commissions, and thereby to appoint commissioners, who shall have full power and authority under the same to hear, examine, and report on all claims to grants of land in virtue of any of the titles aforesaid, in the said colony of New Zealand; and each of such commissioners shall, before proceeding to act as such, take and subscribe, before a judge of the Supreme Court of New Zealand, or before such person as the Governor or chief justice for the time being shall in writing appoint for that purpose, the oath set forth in the Schedule to this Act annexed, marked (A.); which oath shall be recorded in the office of the colonial secretary of the said colony.

4. And be it further enacted and ordained, that the claims of all persons who may have already made application to the Governor of New South Wales to have grants of land within the said colony of New Zealand, and whose claims have by the said Governor been referred, or directed to be referred, to the said commissioners so appointed by the said Governor of New South Wales, shall be and the same are hereby referred to the commissioners to be appointed under and by virtue of this Ordinance, to the end that all such claims may be heard, examined, and reported on for the information and guidance of the said Governor of New Zealand; and the said commissioners, or any two of them, shall proceed to hear, examine, and report on such claims in manner hereinafter mentioned: provided always, that in each and every claim already heard and examined, or partly heard and examined, it shall and may be lawful for the said commissioners, and they are hereby authorized to receive and act upon the evidence, statements, and documents, or other information taken and recorded by the commissioners appointed under the said repealed Act of the Governor and Council of New South Wales aforesaid, and shall and may report thereon as if the same had been heard and examined, and the said evidence, statements, documents, and other information had been taken and recorded under and by virtue of the provisions of this Ordinance.

All claims to grants of land in New Zealand already made to and directed by the Governor of New South Wales, to be referred to the Commissioners directed to be referred under this Act,

And whereas, in and by the said Act of the said Governor and Council of New South Wales, it is provided that all claims which should not be preferred in writing to the colonial secretary of New South Wales within six months after the passing of that Act, should be absolutely null and void, unless it should be made to appear, to the satisfaction of the said Governor, that any claimant or claimants should not, by reason of absence or other sufficient cause, have been able to prefer his or their claims within the said term of six months, in which case it should be lawful for the said Governor, at any time within a further term of six months, to refer such claim or claims to the said commissioners, who should have power and authority to receive and report upon the same as in other cases: And whereas the first term of six months so fixed has expired, and it is expedient and proper that the said term under which his Excellency the Governor is empowered to receive and refer further claims shall be extended under this Ordinance;

Governor of New Zealand may receive and refer claims under this Ordinance to Commissioners.

5. Be it therefore enacted and ordained, that it shall and may be lawful for the Governor of New Zealand, if at any time within 12 months next after the passing of this Ordinance, it shall be made to appear to the satisfaction of the said Governor, that any claimant or claimants shall not, by reason of absence from the colony or other sufficient reason, have been able to prefer his or their claims within the said term so fixed by the said in part recited Act of the Governor and Council of New South Wales, it shall be lawful for the said Governor, at any time within a further term of 12 months from and after the passing of this Ordinance, to refer such claim or claims to the said commissioners, who shall have power and authority to receive and report upon the same as in other cases: provided always, that nothing herein contained shall authorize the said commissioners to receive or report upon claims, except such as shall be referred to them under and by virtue of the provisions of this Ordinance.

Commissioners to be guided by the real justice and good conscience of the case.

6. And be it enacted and ordained, that in hearing and examining all claims to grants as aforesaid, and reporting on the same, the said commissioners shall be guided by the real justice and good conscience of the case, without regard to legal forms and solemnities, and shall direct themselves by the best evidence they can procure or that is laid before them, whether the same be such evidence as the law would require in other cases or not; and that the said commissioners shall in every case inquire into and set forth, so far as it shall be possible to ascertain the same, the price or valuable consideration, with the sterling value thereof, paid for the lands claimed to any of the said chiefs or tribes, or any aboriginal inhabitants or inhabitant of the said colony of New Zealand, as well as the time and manner of the payment, and the circumstances under which such payment was made, without taking into consideration the price or valuable consideration which may have been given for the said lands by any subsequent purchaser, or to any other person or persons, save such chiefs or tribes, or aboriginal inhabitants or inhabitant as aforesaid; and shall also inquire into and set forth the number of acres which such payment would have been equivalent to, or according to the rates fixed in a Schedule marked (B.) annexed to this Ordinance; and if the said commissioners, or any two of them, shall be satisfied that the person or persons claiming such lands, or any part thereof, is or are entitled, according to the declaration of Her Gracious Majesty as aforesaid, to hold the said lands, or any part thereof, and to have a grant or lease thereof made and delivered to such person or persons under the Great Seal of the said colony, they the said commissioners shall report the same, and the grounds thereof, to the said Governor accordingly, and shall state whether the claim or claims reported on is or are original or derivative, with the name or names of the party or parties to whom the grant or lease should issue, and shall set forth the situation, measurement, and boundaries by which the said lands, or portions of land, shall and may be described in every such grant or lease, so far as it shall be possible to and they conveniently can ascertain the same; provided, however, that no grant of land shall be recommended by the said commissioners which shall exceed in extent 2,560 acres, unless specially authorized thereto by the Governor, with the advice of the Executive Council, or which shall comprehend any headland, promontory, bay, or island that may hereafter be required for any purpose of defence, or for the site of any town or village reserve, or for any other purpose of public utility, nor of any land situate on the sea-shore within 100 feet of high-water mark; provided also, that nothing herein contained shall be held to oblige the said Governor to make and deliver any such grants as aforesaid, unless his Excellency shall deem it proper so to do.

Certain lands not to be recommended by Commissioners for Grant.

7. Provided nevertheless, and be it enacted and ordained, that the said commissioners shall not propose to grant to any claimant whatsoever any land which may, in the opinion of the majority of the said commissioners, or of the majority of the commissioners appointed to investigate the demand of such claimant, be required for the site of any town or village, or for the purposes of defence, or for any other purpose of public utility; nor shall they propose to grant to any individual any land of a similar character which they may be directed to reserve by the Governor of New Zealand, but that in every case in which land of such description would otherwise form a portion of the land which the commissioners would propose to grant to the claimant, they shall, in lieu of such land, propose to grant to him or her a compensation in such quantity of other land as they the said commissioners, or the majority of them, shall deem an equivalent for every acre, or part of an acre, so required to be reserved either for the site of village or township, or for the purpose of defence, or for any other purpose of public utility as aforesaid.

Commissioners' meetings.

8. And be it enacted and ordained, that the meetings of the said commissioners shall be holden in such manner and at such place or places as the said Governor shall from time to time appoint, and the said commissioners shall proceed, with all due despatch, to investigate and report upon the claims referred to them.

Powers of Commissioners.

9. And be it enacted and ordained, that it shall and may be lawful for the said commissioners, upon receiving any such claim as aforesaid, to notify in the New Zealand Government Gazette, or in any gazette or newspaper published in New Zealand, the day appointed for inquiring into such claim; and that such notification shall be a sufficient warning and summons to any claimant or opponent under this Ordinance: provided that the said commissioners, or any one of them, are and is hereby authorized to issue summonses requiring all such persons as shall therein be named to appear before the said commissioners, at the day, time, and place therein appointed, to give evidence as to all matters and things known to any such person respecting such claim, and to produce in evidence all deeds, instruments,

or

or writings in the possession or control of any such persons which they might by law be required and compelled to give evidence of, or to produce in evidence in any cause respecting the like matters depending in any of Her Majesty's courts of law, in so far as the evidence of such persons, and the production of such deeds, instruments, and writings shall be requisite for the due investigation of such claim depending before the said commissioners, and that all such evidence shall be taken down in writing in presence of, and be signed by, the witnesses respectively giving the same; but in case any witness shall refuse, or shall be unable to sign, the said evidence shall be attested as having been taken, and read over, by one or more of the said commissioners, and that all such evidence shall be given on oath, which oath it shall and may be lawful for the said commissioners, or any one of them, to administer to every person appearing before them to give evidence; and that any person taking a false oath, in any case wherein an oath is required to be taken by this Ordinance, shall be deemed guilty of wilful and corrupt perjury, and being thereof duly convicted, shall be liable to such pains and penalties, as by any law now in force any person convicted of wilful and corrupt perjury is subject and liable to: provided always, that in all cases in which it may be necessary to take the evidence of any aboriginal native who shall not be competent to take an oath, it shall be lawful for the said commissioners to receive in evidence the statement of such aboriginal native, subject to such credit as it may be entitled to from corroborating or other circumstances.

10. And be it enacted and ordained, that whenever any person, who, being duly summoned to give evidence before the said commissioners as aforesaid, his or her reasonable expenses having been paid or tendered by the party requiring such witnesses, and not having any lawful reason or impediment allowed by the said commissioners, shall fail to appear at the time and place specified in such summons, or after appearing, shall refuse to be sworn, or to answer any lawful question, or to produce any deed, instrument, or writing which he or she may lawfully be required to produce, or without leave obtained from the said commissioners, shall wilfully withdraw from further examination, without a satisfactory excuse being given to the said commissioners for such default, or appearing, shall refuse or decline to be examined, or give evidence according to law, touching the matter in question, it shall and may be lawful for the said commissioners, and they are hereby authorized and empowered to issue their warrant for the apprehension of such person, in order that he may be brought before them to give evidence touching such matter as shall be in question, for which he shall have been summoned as aforesaid; and it shall be further lawful for the said commissioners, if such person shall not show sufficient cause, to the satisfaction of such commissioners for such default, to commit such person to prison, there to remain, without bail or mainprize, for any time not exceeding 21 days, or in lieu of such imprisonment, to pay such fine not exceeding 100*l.*, as the said commissioners shall impose, which fine shall be paid to the colonial treasurer of New Zealand, and appropriated to the public uses of the Government thereof.

Person summoned, not appearing, or refusing to give evidence, may be apprehended under warrant of Commissioners, and punished by fine or imprisonment.

11. And be it enacted and ordained, that the said commissioners shall and may receive for their own respective use such salaries as the Governor of New Zealand shall direct and appoint, which salaries it shall and may be lawful for the said Governor to order and direct by warrant under his hand, to be paid from and out of the revenues of New Zealand; and the same shall be the whole remuneration of the said commissioners for and in respect of their said office.

Salaries to be paid to Commissioners.

12. And be it enacted and ordained, that there shall be paid to the said commissioners, by every person making a claim to a grant of land, which shall be referred by the Governor to the said commissioners for examination, as hereinbefore is provided, the several fees specified in the annexed Schedule to this Ordinance, marked (C.): and the said commissioners shall duly account for all fees so paid to them or him as aforesaid, and shall pay the same into the hands of the colonial treasurer of New Zealand monthly, or as nearly so as practicable, to be appropriated to the public uses of the Government thereof.

Fees to be taken by Commissioners on account of the Government.

13. Provided always and be it declared and ordained, that nothing in this Ordinance contained shall be deemed in any way to affect any right or prerogative of Her Majesty, her heirs or successors.

Saving the right and prerogative.

(signed) William Hobson, Governor.

Passed the Legislative Council, the 9th day of June, in the year of our Lord 1841.

(signed) J. Coates, Clerk of Council.

SCHEDULES REFERRED TO.

(A.)

Commissioners' Oath.

I, _____, do solemnly swear, that I will faithfully, diligently, impartially, and honestly, to the best of my ability, execute the several powers and trusts reposed in me as a commissioner appointed under and by virtue of a certain Ordinance of the Governor of New Zealand, with the advice of the Legislative Council of the said colony, made and passed in the fourth year of the reign of Her Majesty Queen Victoria, intituled, "An

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Ordinance to repeal, within the said colony of New Zealand, a certain Act of the Governor and Legislative Council of New South Wales, made and passed in the fourth year of the reign of Her present Majesty, and adopted under an Ordinance of the Governor and Legislative Council of New Zealand, for extending the laws of New South Wales to the said colony of New Zealand, and which said Act of the Governor and Council of New South Wales, is intituled, 'An Act to empower the Governor of New South Wales to appoint Commissioners, with certain powers, to examine and report on Claims to Grants of Land in New Zealand; and also to terminate any commission issued under the same; and to authorize the Governor of the colony of New Zealand to appoint commissioners, with certain powers, to examine and report on claims to grants of land therein; and to declare all other Titles, except those allowed by the Crown, null and void;' and that I will not myself, directly or indirectly, take or receive any fee or reward for anything done or performed, under and by virtue of the provisions of the said Ordinance, other than and except such as is authorized by the said Ordinance.

So help me God.

(signed) A. B.

Sworn before me this day of 184 .

(signed)

Judge of the Supreme Court of New Zealand, or
Commissioner appointed for this Purpose.

(B.)

Time when the Purchase was made.								Per Acre.			
								s.	d.	s.	d.
From 1 January 1815 to 31 December 1824	-	-	-	-	-	-	-	-	6	to	-
— 1825 - — - 1829	-	-	-	-	-	-	-	-	6	-	8
— 1830 - — - 1834	-	-	-	-	-	-	-	-	8	-	1
— 1835 - — - 1836	-	-	-	-	-	-	-	1	-	-	2
— 1837 - — - 1838	-	-	-	-	-	-	-	2	-	-	4
— 1839 - — - 1839	-	-	-	-	-	-	-	4	-	-	8

And 50 per cent. above these rates for persons not personally resident in New Zealand, or not having a resident agent on the spot.

Goods, when given to the natives in barter for land, to be estimated at three times their selling price in Sydney at the time.

(C.)

Fees to be received by the said Commissioners.

	£.	s.	d.
For filing any memorial with the colonial secretary, or opposition thereto	5	-	-
For every summons for witnesses, each summons containing two names, by the party requiring the same	-	5	-
For every witness examined, or document or voucher produced in evidence, by the party on whose behalf examined or produced	-	5	-
For taking down the examination of any witness	-	5	-
For every 100 words after the first hundred, additional	-	2	6
For every certificate granted by commissioners, of default, refusal to answer, or wilful withdrawing of any witness	1	-	-
For any final report, to be paid by the party or parties in whose favour made, when the extent of the land recommended be not exceeding 500 acres	5	-	-
For every additional 100 acres	-	10	-

No. 32.
Lord Stanley to
Governor Hobson.
18 February 1842.

— No. 32. —

(No. 23.)

COPY of a DESPATCH from Lord Stanley to Governor Hobson.

Sir,

Downing-street, 18 February 1842.

I HAVE received your despatch of the 27th of July last, No. 41/1, transmitting copies of six Ordinances, passed by the Legislative Council of New Zealand, in the month of June last.

No. 1. "An Ordinance to declare that the Laws of New South Wales, so far as they can be made applicable, shall extend to, and be in force in Her Majesty's Colony of

of New Zealand, from and subsequent to the Date of Her Majesty's Royal Charter and Letters Patent, erecting into a separate Colony the Islands of New Zealand; and to indemnify the Lieutenant-governor and other Officers thereof, for certain Acts done and performed between the date of the said Royal Charter and Letters Patent, and the Day of passing this Ordinance."

With regard to this Act, I have to make the following observations:

The 2d and 3d clauses of it indemnify the Lieutenant-governor, and all officers and others who may have acted under and by virtue of any commission of the Queen, of the Governor of New South Wales, or of the Lieutenant-governor of New Zealand, or under any orders of the Lieutenant-governor or Governor, since his assumption of the government, and provide that no Act of any such officer or person shall be questioned by reason of any supposed want of authority, and that all such acts shall be as valid as if they had been done under an Act of Parliament. It appears to me that in this case the meaning and the language do not coincide. The meaning is, that no supposed invalidity of the commission of the Governor of New South Wales, or of the Lieutenant-governor of New Zealand, or of their officers, shall invalidate their official acts, but that they shall be as valid as though the Governor and Lieutenant-governor had held and exercised their offices under an unquestionable legal title. To this there would appear to be no objection, except that the question may arise, on what ground the legality of their title to govern New Zealand is disputed. But the enactment goes much further. It gives validity to whatever the Governor or Lieutenant-governor may have done in that character, so that acts the most clearly illegal and void, irrespectively of this particular ground of objection, would be placed beyond all question. For example, an arbitrary commitment to prison, without warrant or evidence, by any justice of the peace of the Lieutenant-governor's appointment, would, according to the text of this law, be valid and effectual.

You will propose to the Legislative Council of your government the revision and amendment of these clauses; in the meantime Her Majesty's decision on the Ordinance will be suspended.

After I shall have consulted the proper departments of the Government, Her Majesty's decision will be communicated to you on the remaining five Acts, viz.:—

No. 2. "An Ordinance to repeal within the Colony of New Zealand a certain Act of the Governor and Legislative Council of New South Wales, made and passed in the 4th Year of the Reign of Her present Majesty, and adopted under an Ordinance of the Governor and Legislative Council of New Zealand, for extending the Laws of New South Wales to the said Colony of New Zealand, and which said Act of the Governor and Council of New South Wales is intituled, 'An Act to empower the Governor of New South Wales to appoint Commissioners, with certain Powers to examine and report on Claims to Grants of Land in New Zealand, and also to terminate any Commission issued under the same, and to authorize the Governor of the Colony of New Zealand to appoint Commissioners, with certain Powers to examine and report on Claims to Grants of Land therein, and to declare all other Titles, except those allowed by the Crown, null and void.'"

No. 3. "An Ordinance to repeal within the Colony of New Zealand an Act of the Governor and Council of New South Wales, passed in the 3d Year of Her present Majesty's Reign, intituled, 'An Act to repeal an Act relating to the Revenue of Customs in New South Wales, and to provide for the general regulation thereof;' and also a certain other Act of the said Governor and Council of New South Wales, passed in the 4th Year of the Reign of Her said present Majesty, intituled, 'An Act for increasing the Duties on Spirits, Wines, and other Goods and Merchandize imported into the Colony of New South Wales and its Dependencies,' and which said Acts of the Governor and Council of New South Wales were adopted, and are now in force within the said Colony of New Zealand and its Dependencies; and to make provision for the collection of certain Duties on Goods imported into, and for the general regulation of the Revenue of Customs in the Colony of New Zealand and its Dependencies."

No. 4. "An Ordinance for instituting and regulating Courts of General and Quarter Sessions in the Colony of New Zealand, and to authorize the holding of Petty Sessions within the same, and for defining their respective Powers, and determining the Places at which the same shall be holden; and for repealing

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ing within the Colony of New Zealand certain Acts of the Governor and Council of New South Wales, adopted and now in force within the said Colony of New Zealand."

No. 5. "An Ordinance for prohibiting the Distillation of Spirits within the Colony of New Zealand." And,

No. 6. "An Ordinance for instituting Courts of Civil Jurisdiction, to be called 'Courts of Requests,' in different parts of the Colony of New Zealand and its Dependencies."

I am, &c.
(signed) *Stanley.*

No. 33.
Lord Stanley to
Governor Hobson.
18 March 1842.

(No. 27.)

— No. 33. —

COPY of a DESPATCH from Lord *Stanley* to Governor *Hobson*.

Sir,

Downing-street, 18 March 1842.

WITH reference to my despatch of the 18th ultimo, No. 23, I have to acquaint you that Her Majesty has been graciously pleased to confirm and allow the Ordinances passed by the Legislative Council of New Zealand, entitled :

No. 2. "An Ordinance to repeal within the Colony of New Zealand a certain Act of the Governor and Legislative Council of New South Wales, made and passed in the Fourth year of the Reign of Her present Majesty, and adopted under an Ordinance of the Governor and Legislative Council of New Zealand, and which said Act of the Governor and Council of New South Wales is entitled, 'An Act to empower the Governor of New South Wales to appoint Commissioners with certain powers to examine and report on Claims to Grants of Land in New Zealand; and also to terminate any Commission issued under the same; and to authorise the Governor of the colony of New Zealand to appoint Commissioners with certain powers to examine and report on Claims to Grants of Land therein, and to declare all other Titles excepting those allowed by the Crown null and void.'"

No. 4. "An Ordinance for instituting and regulating Courts of General and Quarter Sessions in the colony of New Zealand, and to authorize the holding of Petty Sessions within the same, and for defining their respective powers, and determining the places in which the same shall be holden, and for repealing within the colony of New Zealand certain Acts of the Governor and Council of New South Wales adopted and now in force within the said colony of New Zealand."

I am, &c.
(signed) *Stanley.*

No. 34.
Lord Stanley to
Governor Hobson.
19 March 1842.

(No. 28.)

— No. 34. —

COPY of a DESPATCH from Lord *Stanley* to Governor *Hobson*.

Sir,

Downing-street, 19 March 1842.

WITH reference to my despatch No. 23, of the 18th ultimo, I have now to acquaint you that Her Majesty has been graciously pleased to confirm and allow the Ordinance passed by the Legislative Council of New Zealand,

No. 5. "An Ordinance for prohibiting the Distillation of Spirits within the Colony of New Zealand."

I am, &c.
(signed) *Stanley.*

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— No. 35. —

(No. 41/13.)

COPY of a DESPATCH from Governor *Hobson* to the Principal Secretary of State for the Colonies.

No. 35.
Gov. Hobson to the
Principal Secretary
of State for the
Colonies.
30 July 1841.

New Zealand Government House, Auckland,
New Ulster, 30 July 1841.

My Lord,

I HAVE the honour to report that, immediately on the passing of Ordinances 4th & 5th Victoria, No. 2, for the appointment of commissioners to investigate claims to land in this colony, I reappointed two of the commissioners, Captain Richmond and Colonel Godfrey, who had previously held the office under Sir George Gipps; and I continued to them the same salary and furnished them with the same instructions, slightly modified, as had been ordered by his Excellency.

Having received your Lordship's instruction that another commissioner may be expected from England, I accepted Mr. Fisher's resignation, whose health is much too feeble for the active duties of the commission, and appointed him, provisionally, attorney-general, in which office I have great satisfaction in acknowledging to your Lordship the able and diligent services he has rendered in the formation of the government.

The duties of the commission have been wholly suspended by the inclemency of the weather, which has been so severe and so wet as entirely to prevent the native witnesses from collecting.

I hope soon to see the commissioner your Lordship has appointed, that I may learn from him precisely the views of Government on this complicated question.

In the mere investigation of claims his absence is not likely to be felt for some time, as two commissioners form a quorum; and both Captain Richmond and Colonel Godfrey are strong, vigorous men, who are not likely to be interrupted in their duty by illness; and I have provided in their instructions, that if any difference of opinion should occur, which may involve principles, the case be suspended until they have the benefit of a third opinion.

But this suspension is not to occasion increased expense to the applicants, nor will it, in fact, create delay, as other cases may in the meantime be proceeded with.

In conclusion, I beg to recommend to your Lordship's notice the two gentlemen who at present form this commission, Captain Richmond and Colonel Godfrey.

Captain Richmond, of the 96th Regiment, was selected by Sir George Gipps from the high testimonials he bore, and the unqualified praises that were bestowed on him for his mild, just, and efficient administration of the government of Pango, where he was for some time resident.

Since the colony has had the benefit of his services, I can testify that he has displayed the same qualities, coupled with moral habits and clear judgment, which mark him in the highest degree qualified for the trust reposed on him.

Captain Richmond had heard that some reflection was cast on him by Mr. Sinclair, for purchasing an allotment from the Crown whilst holding the office of commissioner, implying that his office should have precluded him from having any interest in the land; and he wrote to me in some uneasiness, lest this circumstance might prejudice your Lordship against him.

I simply replied to his letter that no such consequence could result, as it would be clear to your Lordship that, as well as other officers, he must find shelter for his family, and that the purchase he had made, being from the Crown, could in no way affect public confidence in his integrity, as no claim could arise on lands that had been conveyed by Her Majesty.

Colonel Godfrey was recommended to Sir George Gipps by Sir Maurice O'Connell, with whom he had served many years, and who knew him to be a gentleman of high and honourable principle and clear judgment; since I have had the pleasure of his acquaintance, he has fully confirmed in my mind the character bestowed on him by his old commanding officer. He is punctual and correct in his habits, firm and clever in his judgment, and very clear in his decisions.

In a word, if I may be allowed to pass an opinion on the acts of Sir George Gipps, I would say that he has shown a very wise discrimination in the selection of these gentlemen for the onerous duties they are required to perform.

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I hope I do not imply a contrary opinion as to Mr. Fisher. He is a man of high integrity and a good lawyer; but his health, as I said before, unfitted him for enduring the privations to which he was exposed.

I have, &c.
(signed) *W. Hobson.*

No. 36.
Lord Stanley to
Governor Hobson,
24 Sept. 1841.

(No. 2.)

— No. 36. —

COPY of a DESPATCH from Lord *Stanley* to Governor *Hobson*.

Sir,

Downing-street, 24 Sept. 1841.

10 Sept. 1841.

I TRANSMIT to you herewith copy of a letter which has been addressed to my Under Secretary of State by the Commissioners of Colonial Land and Emigration, covering copy of a letter from Mr. Sinclair, at Wellington, Port Nicholson, on the subject of a memorial addressed to Sir George Gipps relative to the mode in which lands in the new town of Auckland had been disposed of, and I have to request that you will furnish me with a report on the real state of this question.

I feel convinced that it will be in your power to disprove the representations which have been communicated to the Commissioners on this subject; but in the highly improbable contingency of such grants of town lands having been made according to the terms described in the memorial, it will be necessary that the persons in whose favour such grants may have been made should be distinctly apprised that Her Majesty's Government cannot recognise the validity of their titles.

I am, &c.
(signed) *Stanley.*

Enclosure in No. 36.

Encl. in No. 36.

Colonial Land and Emigration Office, 9 Park-street, Westminster,
10 September 1841.

Sir,

WE do ourselves the honour to enclose, for Lord Stanley's information, the copy of a letter which we have received from Mr. Sinclair, at Wellington, Port Nicholson, forwarding the copy of a memorial addressed to Sir George Gipps, from certain settlers in New Zealand, relative to the mode in which lands in the new town of Auckland had been disposed of.

The memorial states that certain town lots, which are named, had been advertised for sale by auction, but that several allotments, comprising some of the most valuable lands in the township, had, as the memorialists have since heard, been reserved from such sale, and appropriated for the benefit of the subordinate officers of the colonial government; that these sections were to be paid for at the average price of half the town sections, and that a credit would be allowed for the payment of the purchase-money until the sale of half the town.

Of the genuineness of this document, and of the accuracy of the statements contained in it, we have no means of judging; but as it has been forwarded to us, we deem it to be our duty to submit it to Lord Stanley's notice.

The facts stated in it, if correctly reported, and considered without reference to the unsupported charge of partiality, show that an alteration had taken place in the mode of selling the Crown lands of the colony. We are, however, unable to state exactly whether the Governor, in making such alteration, exceeded the authority with which he was invested.

In the first letter addressed from the Colonial Department to Captain Hobson, upon his appointment to the office of Her Majesty's consul at New Zealand, it was stated to be "an object of the first importance that the alienation of the unsettled lands within its limits should be conducted, from its commencement, upon that system of sale of which experience has proved the wisdom, and the disregard of which has been so fatal to the prosperity of other British settlements;" and Captain Hobson was further informed, in the same communication, that "the system at present established in New South Wales regarding land will be applied to all the waste lands which may be acquired by the Crown in New Zealand." Afterwards, during the period in which New Zealand remained in the relation of a dependency to the government of New South Wales, the instructions to Captain Hobson to adopt, in the future disposal of lands, the rules in force in New South Wales, were repeated by the Governor of that colony. But by Lord John Russell's despatch, No. 53, of 4 December 1839, Sir George Gipps was authorised to set Captain Hobson at liberty with respect to such parts of his instructions as he should feel it impracticable or highly inexpedient to execute. In particular, it was added, "with regard to the sale of land,

land, it may be found impossible to realize the price of 12 s. an acre while that price is not demanded either at Sydney, or in Western Australia, or in Van Diemen's Land. He may therefore reduce the price to 5 s. until the higher price is the usual upset price in the Australian settlements."

Sir George Gipps subsequently framed a set of regulations for the disposal of the Crown lands in New Zealand, a copy of which he transmitted to this country in his despatch, No. 148, 6th October 1840. It does not appear, however, whether they were ever issued and declared to be in force, as Sir George Gipps states in his despatch that he had at that time only forwarded them to Captain Hobson for any observations which he might have to offer upon them.

The effect of these regulations would have been to retain the system of selling all lands by auction, at a price to be fixed for each lot by the Colonial Government, and of requiring the payment of the whole of the purchase-money within one calendar month. It is not improbable that when Captain Hobson's reply was received, the regulations may have been established; and that it was in accordance with them, that the advertisement for the sale of lands, which is referred to in the present memorial, had been issued. It does not appear, however, by what authority the Lieutenant-governor could subsequently, at the date of the memorial, have reserved allotments of land from this mode of sale, and disposed of them, as is affirmed, at some uniform price.

The Royal Instructions, indeed, which were finally addressed to Captain Hobson, as Governor of New Zealand, directed that all the waste lands of the colony vested in Her Majesty, after certain specified reservations had been made for the public service, should be sold at one uniform price per acre, which price should, from time to time, be fixed by the Secretary of State. But the date of these instructions, in the month of December 1840, shows that they could not have influenced proceedings taking place in the colony in the succeeding month of January or February.

We regret, therefore, that we are unable to offer any further explanation on the subject of this memorial.

We have, &c.

(signed) *Edward E. Villiers.*
John George Shaw Lefevre.

James Stephen, Esq.
&c. &c. &c.

Wellington, Port Nicholson, New Zealand,
13 February 1841.

Gentlemen,
I HAVE the honour to enclose for your information a copy of a memorial which has been sent from here to His Excellency Sir George Gipps, relative to the proposed disposal of the town allotments, at the city of Auckland, in New Zealand, and I have to request your attention thereto.

I have, &c.

(signed) *D. Sinclair.*

To the Commissioners of the Colonial Land
and Emigration Board, London.

TO his Excellency Sir George Gipps, &c. &c. &c.

Wellington, Port Nicholson, New Zealand,
10 February 1841.

May it please your Excellency,

WE, the undersigned settlers in New Zealand, and intending purchasers of town lands in the township of Auckland, in New Zealand, beg to call the attention of your Excellency to certain proceedings connected with the proposed disposal of land in that township, deeply affecting our interests as well as those of the public.

By the Government advertisement for the sale of town lands at Auckland, it was stated that sections Nos. 3, 4, 7, 8, 16, & 17, would be exposed to sale by auction, but we have since learned that several allotments, comprising some of the most valuable lands in the township, have been reserved from such sale, and appropriated for the benefit of the subordinate officers of the colonial government; and that these sections are to be paid for, not according to the price which even some of the less valuable lots in their vicinity might command, but at the average price of half the town sections; and that a credit is to be allowed for the payment of the purchase-money until the sale of half the town.

We need not, in addressing your Excellency, dwell upon the injustice of such an arrangement, the loss to the public revenue, the wrong done to *bonâ fide* purchasers, and the injury to the character of the government by which such measures have been proposed or sanctioned; but we may venture to say, that such a proceeding is not less opposed to the instructions of Her Majesty for the disposal of the Crown lands, than unprecedented in the history of the neighbouring colonies. We could, at first, scarcely believe that such a proceeding could be contemplated, since we are assured that there is no one ground, either of policy or justice, on which it can be defended.

We however rely with confidence upon the known character of your Excellency to free the Government from the odium, and ourselves from the injustice of such a measure, by instituting immediate inquiry into the subject, and by suspending the sale until such arrangements

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arrangements may have been made as may secure to the public the great benefit of open competition with regard to all lands in that township.

We have, &c.

D. Sinclair.
Jas. C. Crawford.
Jas. Watt.
F. A. Molesworth.
E. J. Wakefield.
Hay & McHattie.
A. Hornbrook.
Samuel Revars.
Waitt & Turline.

W. B. Rhodes & Co.
D. S. Durie & Co.
Wm. V. Brewer.
Jno. Nixon.
Ridgways, Greyton, & Earp.
T. M. Partridge & Co.
A. Hort, jun.
Edward Daniell.

H. Moreing, J. P.
J. T. Wickstead.
Alfred Ludlam.
J. & G. Wade.
Henry W. Petre.
R. Barton.
Daniel Riddeford.
E. M. Chaffers.

No. 37.
Gov. Hobson to
Lord John Russell.
31 July 1841.

— No. 37. —

(No. 41/1, Separate.)

EXTRACT of a DESPATCH from Governor *Hobson* to Lord *John Russell*,
dated Auckland, New Ulster, 31 July 1841.

(A.)
1 Letter, with
6 Enclosures.

I HAVE the honour to forward, at the desire of Dudley Sinclair, Esq., a letter addressed to your Lordship, complaining of the appropriation of allotments to the officers of this government, which I permitted, under the sanction of Sir George Gipps, in September 1840, and of other matters relating to the land question in this colony.

(B.)
3 Enclosures.

I trust your Lordship will coincide in the propriety of my declining to enter upon any defence of the charges Mr. Sinclair has chosen to allege against me. But to enable your Lordship to draw your own conclusions, I have the honour herewith to lay before your Lordship all the documents relating to the several subjects he has introduced into his letter.

I do not profess to be very well skilled in the mere jobbing part of selling or selecting town allotments, but I think your Lordship will admit that I have not been regardless of the public interest; for even on reference to Mr. Sinclair's plan, it will be seen that every corner allotment, and all that can honestly be called available water-frontage, was either sold by auction or reserved for future disposal.

It may be proper to state to your Lordship that the appropriation of the suburban allotments (alluded to by Mr. Sinclair,) Nos. 1, 2, and 3, were made to accommodate the individual gentlemen who now hold them, namely, the collector of the customs, the protector of aborigines, and the clergyman, neither of whom, with their numerous families of ten, nine, and eight children respectively, could be accommodated in the town, nor was it desirable they should be too far removed from the sphere of their duty. The distance of these allotments from the town is under the prescribed limit given by Sir George Gipps; but between them and it there intervenes a deep ravine, which denies access from one to the other by means of a wheel-carriage, except by making a circuit of at least four miles, or waiting for the tide to ebb, when a cart may with some precaution be driven round the rocks.

Mr. Sinclair has informed your Lordship that one government officer had sold his allotment by auction, and had obtained considerable profit on it before he had paid for it. This was the first information I received that any such transaction actually had taken place; but a month previous to the date of Mr. Sinclair's communication, I heard that such an act was contemplated, when I sent for the officer, and warned him that I would resume his allotment for Government if he presumed to violate the conditions on which he had been allowed to make the selection. On the subject being again brought under my notice, in a very aggravated shape, I again sent for the officer, who fully satisfied me that he had annulled the sale immediately after my former conversation, and that he had sold the allotment in perfect ignorance of the impropriety. Mr. Sinclair admitted that he was aware of the whole circumstance when he forwarded his letter, but sheltered himself under the plea that it was true that the allotment was sold, and it was not necessary to state what followed. Mr. Sinclair's assertion that the colonial secretary has sold his allotment is incorrect; but having bought another at the sale, he has let it, having first paid for it, and he now occupies the other. I find it very hard to attach criminality to these transactions. Mr. Shortland has actually paid at the rate of 734*l.* 10*s.* per acre for

for his land, and it would be the extreme of injustice to oblige him to retain it in his hands if he choose to live elsewhere.

I have written to Sir George Gipps for his interpretation of the order which directs that the officers shall pay for their allotments when the average price is ascertained, but denies them the control of their property for two years; these regulations, considering the high price the land sold for, seems so unfair that I have proposed to receive the payment at once, and release the officers from all restraint; and this course I will pursue, unless Sir George Gipps shows a very strong reason against it.

Mr. Sinclair further alludes to the transaction that has taken place between this Government and Mr. Clendon; for the elucidation of which I have the honour to refer your Lordship to a separate despatch, which I hope to forward by this opportunity.

NEW
ZEALAND.

No. 41/2. Separate.

Enclosures (A.) in No. 37.

Encls. (A.) in No. 37.

My Lord,

Auckland, New Zealand, Monday, 19 July 1841.

I HAVE the honour to address you on a subject deeply affecting the interests of this colony, relating to a question which has lately occupied considerable attention in England, and upon the result of which the success or downfall of this colony must in a great measure depend, viz. the disposal of lands in the colonies upon one uniform system. On the 10th of February last I had the honour to forward to your Lordship a copy of a memorial (which had been drawn up at Port Nicholson, and most numerous and respectably signed there) to his Excellency Sir George Gipps, then Governor-in-chief over these islands, relative to certain town allotments which had been reserved (after having been advertised to be sold) from the sale of lands which took place here on the 19th of April last, and appropriated to the benefit of the subordinate officers of the Colonial Government here. I beg to enclose in Enclosure No. 1, 2, & 3, a copy of that memorial, together with a copy of the reply of his Excellency Sir George Gipps. Your Lordship from these documents will gather that several officers of the New Zealand Government in August last, made an application to his Excellency Lieutenant-governor Hobson "to be allowed to obtain land on which to establish themselves and families, without being forced to wait until land shall be sold at public auction." And you will also perceive that his Excellency Sir George Gipps laid down several conditions and regulations, on complying with which they were to be allowed this "accommodation," and which if not complied with in the "true meaning and spirit," the Government reserved to itself the right of resuming the lands at any time within two years.

It will be my endeavour to prove to your Lordship that every one of these conditions in every particular (which if carried out would have been of slight injury to the settlers,) were allowed to be broken through by the Lieutenant-governor, and that gross jobbing has been sanctioned, great injustice done to the public, and a considerable loss sustained by the public revenue, by the manner in which his Excellency the Lieutenant-governor has allowed the allotments to be chosen.

The first regulation of his Excellency Sir George Gipps sets forth that officers of Government, with a salary of less than 200 £ a year, "may have possession of one town allotment not exceeding one quarter of an acre." Under this regulation, those officers of Government with salaries of that amount chose allotments; but the smallest chosen by any of them was 70 perches, the largest contained 114 perches, and the average contents of the nine allotments exceeded 89 perches, while, under Sir George Gipps's regulation, none should have been more than 40 perches. (I beg to enclose in Enclosure No. 4, a plan of the allotments advertised for public auction on the 19th of April last, distinguishing those reserved for public purposes and those reserved for the Government officers, and in Enclosure No. 5, a statement of the allotments reserved, with the contents of each reserve, with a few remarks on their eligibility, &c.) It might no doubt strike your Lordship that it would be exceedingly difficult to lay out allotments of an exact quarter acre, but it is worthy of remark, that out of the 116 allotments sold at public auction, only two exceeded 89 perches; the largest sold was only 91 perches, the smallest 35 perches, and their average contents 53 perches. The regulation also sets forth, that "on taking possession they were to pay a deposit of 5 £, and enter into an agreement to pay the remainder of the purchase-money whenever an average price shall be established for the block or section in which it is situate, by the sale of at least one-third of the allotments in it." The former part of this regulation was not rigidly adhered to; with regard to the latter part, as the sale of the whole sections in which these allotments were situated took place on the 19th April last, and as the 19th May was the last day that the public were allowed to complete the purchase of their allotments, your Lordship will doubtless think that the purchase-money of these allotments which the Government officers had had possession of some time before the sale, would have been paid into the colonial treasury either at or before that date, instead of which, at the period I now write they have not been paid for.

The second regulation, which is about suburban allotments, states that those chosen under these regulations, "are not to be within two miles of the outskirts of the township or intended township." I would remark that the three allowed to be occupied by the Lieutenant-governor are within less than half-a-mile from the outskirts of the township in a direct line, and less than one mile as the path goes.

See Plan.

No. 4.

NEW
ZEALAND.

The third regulation, which is about officers whose salaries are under 200 *l.* a year, states that they may have 20 perches in the town, whereas the average contents of their allotments is nearly 32 perches.

But the great injustice of the case appears in the glaring manner in which the fourth regulation has been broken through, which sets forth, "that the allotments whether in town or country are to be of a fair average value only." With regard to the town allotments selected, your Lordship will doubtless observe by the plan of the township of Auckland, sent home by his Excellency the Governor to the Colonial Office, that the available water frontage of this town is very limited for a place which is destined to become the metropolis of New Zealand; and you will also be aware, that the waterside premises in the centre of a township especially, eventually become the commercial and most valuable part of that town; having these facts therefore in consideration, you will observe that out of the nine allotments chosen by Government officers with salaries exceeding 200 *l.* a year, six were allowed to select allotments with water frontages; three only therefore selected allotments remote from the water which are adapted for private residences.

From the extreme value of allotments with water frontages for commercial people, the waterside was subdivided into very small allotments (that is to say, such as were to be disposed of to the public), the largest put up to public auction contained only 78 perches, the smallest 35 perches, and the average contents of waterside allotments open to the public 48 perches; while on the other hand, two Government officers' waterside allotments exceeded 110 perches, the smallest taken by any of them was 70 perches, and their average contents was nearly 85 perches. Certainly more than one-half of the allotments chosen were of more than fair average value, both as regards size and situation, which may be found out by comparing the price which the next allotments to them fetched with the average price; and one of them, No. 15 of section 8, is one of the largest allotments in the section, the most valuable decidedly, in the section, being next to the proposed dockyard and watering-place, and having a much larger frontage to the public quay than any one in the section, besides its being extremely flat, while most of the waterside allotments are situated on cliffs, which it will take a great deal of capital to reduce.

With regard to the suburban allotments chosen, I would observe, that the waterside is an almost perpendicular cliff, from the outskirts of the township for about three miles, with the exception of a small bay called Mataharehare at a distance of less than one mile from the township, where the waterside premises, which are extremely flat and available (with the exception of those reserved for public purposes,) have been divided into three allotments of five acres each, these being the only available allotments near the township; but two of the best of these, bordering on a fresh-water creek which runs down through the valley, have been selected by Government officers. I can assert, without fear of contradiction, that these allotments are worth 20 times the value of suburban allotments of an average rate; and I therefore submit should be put up to public competition; in fact the loss to the public revenue by these two allotments only, being taken at an average price, can be little short of 1,000 *l.*

I would remark to your Lordship that two of the commissioners for examining claims to grants of land in New Zealand, have chosen town allotments. By judging by the allotments they have chosen, they appear to be good judges of the value and position of land; but on referring to the evidence taken before the House of Lords in April 1838, I find that it appears to have been the general opinion that the commissioners should possess no interest in the soil of New Zealand, for fear, as it may naturally be supposed it will do, of giving them a bias in regard to some particular place, from their duties requiring them to be absent from this place the greater part of the year, and their having to decide more claims at the Bay of Islands than here. An allotment, had they wanted one for a private residence, would have been more suitable for them at the latter place; besides, from their duties being merely temporary, I have every reason to believe that the commission will be dissolved before their deeds can be given them, viz., two years.

I would further observe that, in several instances, the allotments selected were only taken an extremely short time before the sale, and that, had the sale of town allotments taken place on the 8th March, as originally intended, on the day of sale few could have had any permanent buildings on them; at this present moment three have had no buildings erected upon them.

His Excellency Sir George Gipps, in his answer to the memorial, remarks that he has been "induced to grant to some of the public officers in New Zealand, authority to select, not for any purpose of speculation, but for their necessary accommodation, a few allotments in the township of Auckland, on payment of a full and fair price for them." As regards their being for the purposes of speculation, I would observe, that even in the short period of time already elapsed since these allotments were taken possession of, one of them, No. 2, of section 16, has been subdivided and resold by public auction, for more than three times what it cost; and another one, No. 11, of section 3, the property of the colonial secretary, has been since disposed of at a high premium to a gentleman for commercial purposes, before they were actually paid for, so that, had the price of land here fallen since the sale, instead of selling the allotments at a premium, they, through the system of credit which has been allowed to them (but denied to the public), could have thrown the allotments up, and allowed the Government to resume them, by only forfeiting their deposit of 5 *l.*, if they had paid it.

I would observe to your Lordship that, in the regulations for the disposal of waste lands in the colonies, I cannot see any other regulation but that all lands except those reserved for public purposes, are to be put up to public auction at a certain upset price; I find no
right

right of pre-emption for Government officers, and I would request your Lordship, as it is evident that the greater part of these allotments have been taken for speculation, and "as an abuse has been allowed to creep in," which his Excellency Sir George Gipps appears to have contemplated the probability of, to exercise the right which the Government have reserved to itself of "cancelling the engagements as they have been taken, in contravention of the true spirit and meaning" of the regulations laid down, and as the deeds will not be given up for two years, there will be ample time for this, in order that they may be put up to public competition, in accordance with the land regulations, or that you will suggest some other remedy, as may seem most fit to your Lordship.

In conclusion I would observe that, in consequence of the strict inquiry which is about to be made into the claims of individuals holding lands under native titles, the public have not learnt, without much dissatisfaction, that an arrangement has been entered into by his Excellency Captain Hobson (in direct opposition to any land regulations in any colony), which will have the effect of placing a complete monopoly of a great quantity of available land in this neighbourhood into the hands of one individual.

Your Lordship is no doubt aware that, in March 1840, his Excellency Captain Hobson agreed to purchase a place called Okeato, at the Bay of Islands, from Mr. J. R. Clendon, for 13,000*l.*, which purchase, it is understood, never received the sanction of Sir George Gipps. I shall not trouble your Lordship with a description of this place; it contains 220 acres; originally cost only 150*l.*, but has some valuable buildings erected on it; but if resold, would scarcely fetch the former sum; but would remark that, in consideration of Mr. Clendon abandoning his claim to that bargain, the Governor, it is understood, has agreed to pay him 3,000*l.*, and to allow him the right of pre-emption of taking two blocks of land of 5,000 acres each, in payment of the whole, one block to be chosen at Tamake, about eight miles from hence, where is the best agricultural land perhaps in the island, and where is a narrow isthmus of one-third of a mile, separating the harbour of Manukoa on the one coast, from the river Tamake (a river running into the Frith of Thames close to Auckland,) on the other, which must eventually be the site of a prosperous town, and where it was at one time recommended the site for the township of Auckland should be, and the other block close to the township. Such an arrangement, combined with the immense reserve which has been made near the town for a Government domain, will have the effect of checking the energies of all persons anxious to commence agricultural pursuits in this neighbourhood, and will therefore, I trust, not meet with your Lordship's approval.

The Right Hon. Lord John Russell,
Secretary of State for the Colonies, Colonial Office,
London.

I have, &c.
(signed) D. Sinclair.

(No. 1.)

COPY of a MEMORIAL addressed to his Excellency Sir George Gipps, dated Wellington, 10th February 1841, relative to certain Town Allotments at Auckland, which had been reserved for the benefit of the Officers of the Colonial Government.

(Vide Enclosure in Lord Stanley's Despatch, 24th September 1841, page 131.)

(No. 2.)

Colonial Secretary's Office, Sydney,
22 March 1841.

Gentlemen,

I AM directed by his Excellency the Governor to acknowledge to you the receipt of a letter dated the 10th of February, and signed by a number of the settlers at Port Nicholson, your names being the first in the order of the signatures, and I am to express to you that his Excellency has not received without surprise a communication in which charges are made against his government of injustice to the intending purchasers of allotments in the town of Auckland, and of a departure from the instructions of Her Majesty's Government, in respect to the disposal of Crown lands. His Excellency conceives that the communication which he has received must have been written in entire ignorance of the circumstances under which he was induced to grant to some of the public officers of New Zealand authority to select, not for any purpose of speculation, but for their necessary accommodation, a few allotments in the township of Auckland, on payment of a full and fair price for them. A copy of the letter, therefore, which was addressed by his Excellency to Lieutenant-governor Hobson on this subject, is transmitted to you. His Excellency, in conclusion, desires me to remark, that under the arrangement sanctioned by his Excellency, the lowest price at which allotments of average value could by possibility be obtained, would be 80*l.* per acre, whilst there is every reason to suppose that amongst the persons who have signed the communication from Port Nicholson, there must be some, if not many, who have obtained from his Excellency allotments, and even some of the best in the town of Wellington, at the rate of 20*s.* per acre.

I have, &c.
(signed) E. Deas Thomson.

Messrs. Ridgways, Guyton & Earp,
Port Nicholson.

NEW
ZEALAND.

(No. 3.)

Sir,

Government House, Sydney, 3 Sept. 1840.

I HAVE received your despatch of the 5th ultimo, covering an application from several officers of your government to be allowed to obtain land on which to establish themselves and families, without being forced to wait until land should be sold at public auction; and as it appears to me desirable that some accommodation of this sort should be afforded them for the furtherance of the public service, I have to communicate to you my approval of the following arrangement:

1. At the first settlement of any township in New Zealand, and for one year after the first opening of it, any officer of Government whose salary is not less than 200*l.* a year, and whose duties may require him to reside within the township, may have immediate possession of one town allotment, not exceeding a quarter of an acre, on payment for it of a deposit of 5*l.*, and on entering into an agreement to pay the remainder of the purchase-money whenever an average price shall be established for the block or section in which it is situate, by the sale of at least one-third of the allotments in it.

2. Officers whose duties do not require them to live in the towns may, in like manner, obtain a country or suburban allotment of not more than five acres, on payment of a deposit of 10*l.*, and under similar conditions as to the completion of the purchase, on the further condition also that the land so chosen be not within two miles of the outskirts of the township, or intended township.

3. Officers whose salaries are above 100*l.* a year, but less than 200*l.*, may have one-eighth of an acre in the town, or two acres and a half in the country, under similar circumstances and conditions.

4. It is to be distinctly understood, that the allotments, whether in town or country, are to be of fair average value only, and the surveyor-general must be expressly charged to see that no abuse in this respect be allowed to creep in. The officers generally, must further be informed, that the Government reserves to itself the right of cancelling any engagements made in contravention of these regulations, or against the true meaning and spirit of them; and that the deeds of the lands will be withheld for two years, in order that the power of so doing may be preserved.

His Excellency
Lieutenant-Governor Hobson.

I have, &c.
(signed) *E. Deas Thomson.*

(No. 4.)

AUCKLAND:—PLAN of the Allotments advertised for Public Auction on the 19th April 1841; distinguishing those Reserved for Public Purposes, and those Reserved for the Government Officers.

(No. 5.)

A STATEMENT of ALLOTMENTS reserved for Public Officers with Salaries exceeding 200*l.* per Annum.

Number of Section.	Number of Allotments.	Contents in Perches.	R E M A R K S.
8	3	114	The largest allotment in sections sold with double frontage to streets.
8	15	113	Second largest in ditto, and largest water frontage in township, next to proposed dockyard. Reserved for one of the land commissioners.
8	14	112	Four allotments above average value reserved in this section, which makes average price less than it should have been.
8	7	113	Reserved for one of the land commissioners.
3	11	74	Only one allotment in the section equal in size to this; it has also been enlarged since the sale, and since disposed of
3	13	70	No improvements made on this allotment to this date.
8	13	70	
8	20	70	
7	8	70	

Reserved for Officers with salaries of less than 200*l.* per annum:

16	2	44	Since resold by public auction; no buildings erected upon it.
4	17	29 $\frac{1}{2}$	One moiety of allotment.
7	11	26 $\frac{1}{2}$	Never occupied by Mr. Mason, for whom it appears as having been reserved.
7	11	26 $\frac{1}{2}$	

Suburban



Suburban Allotments reserved :

- 1 No. } Not stated. Contents 5 acres each, these being the most valuable suburban allot-
 2 No. } ments. The third, which is open for public sale, contains only four acres.
 3 No. { Not stated. No particulars of suburban allotments reserved have as yet appeared
 in Government Gazette.

NEW
 ZEALAND.

(No. 6.)

Circular.

Sir,

Colonial Secretary's Office, Russell, 17 September 1840.

I HAVE it in command from the Lieutenant-governor to inform you, that the application made by you to be allowed to obtain land without being obliged to wait until the sales take place, has been approved by his Excellency Sir George Gipps, and I am accordingly instructed to communicate to you the conditions under which such an indulgence will be granted.

1. At the first settlement of the township, and for one year after the first opening of it, any officer of Government, whose salary is not less than 200*l.* per annum, and whose duties may require him to reside within the township, may have immediate possession of one town allotment, not exceeding one quarter of an acre, on payment of a deposit of 5*l.*, and on entering into an engagement to pay the remainder of the purchase-money whenever an average price shall be established for the block or section in which it is situated, by the sale of at least one third of the allotments in it.

£. 200.

£. 5.

2. Officers whose duties do not require them to live in the town, may in like manner obtain a country or suburban allotment of not more than five acres, on payment of a deposit of 10*l.*, and under similar conditions as to the completion of the purchase, and on the further condition that the land so chosen be not within two miles of the outskirts of the nearest township, or intended township.

£. 10.

3. Officers whose salaries are above 100*l.*, but less than 200*l.*, may have one eighth of an acre in the town, or two and a half acres in the country under similar circumstances and conditions.

£. 100.

£. 200.

4. It is to be distinctly understood that the allotments so chosen, whether in the town or country, are to be of a fair average value only.

5. His Excellency the Lieutenant-governor reserves the right of cancelling any engagements made in contravention of these Regulations, or against the spirit and meaning of them; and the deeds of the land will in consequence be withheld for two years, in order that the power of so doing may be preserved.

I have, &c.

(signed) *Willoughby Shortland.*

Enclosures (B.) in No. 37.

(No. 1.)

Enclosures (B.)
 in No. 37.

Government-House, Auckland, 16 July 1841.

THE surveyor-general is requested to state, for his Excellency's information, the reasons which induced him to make the allotments in the bay, commonly called Official Bay, which is occupied chiefly by government officers, larger in area than was authorized by the circular of the 17th September 1840; and generally what are the relative advantages possessed by each of the allotments having water-frontage.

(signed) *W. Hobson.*

To the Surveyor-General,
 &c. &c. &c.

(No. 2.)

Sir,

Surveyor-General's Office, Auckland, 26 July 1841.

I HAVE the honour to acknowledge the receipt of a memorandum from your Excellency, calling upon me to explain the reasons by which I was actuated in dividing that portion of the town of Auckland, at present known as Official Bay, and occupied chiefly by the officers of the government, into allotments of greater area than a quarter acre, the extent to which, by the circular letter of the 17th September 1840, they were proposed to be limited. Presuming that your Excellency's minute refers to a letter of Mr. Dudley Sinclair's, which that gentleman has made a matter of public notoriety in the settlement, I shall take the liberty of adverting to some points connected with this question which do not appear on the face of the minute.

In reply, I have the honour, therefore, respectfully to submit for your Excellency's consideration in the first place, that the limit proposed by your Excellency was based on the

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ZEALAND.

presumption, that the whole town should be cut up into small allotments of equal extent—quarter acre—an idea which, however well it may appear on paper, and with reference to obtaining the utmost possible price for the land, would be found impracticable in most cases, and in all completely destructive of everything approaching to convenience, elegance and arrangement. In the laying out of a large town, such an object might indeed be easily attained, if the ground to be disposed were a perfect plane; but the effect of such an arrangement, where the ground is of irregular character, must necessarily be that of throwing streets into perhaps impassable places, and destroying all harmony, regularity, and beauty in the details of the plan. The great art, I submit, of laying out a town to advantage, consists in availing one's-self of the natural features of the ground; whereby not only may good taste and elegance be considered in the arrangement, but enormous trouble and expense are obviated, which otherwise must necessarily be incurred in building bridges over watercourses, reducing hills, and filling up hollows. This, I need not inform your Excellency, would have been the case to a very great extent in Auckland, had the plan been laid down on a sheet of paper without reference to the character of the ground. I have made these observations in order to show, that, in laying out the town of Auckland, no attempt was made at giving the allotments anything like an equal area, but that in this, as in all cases in which a town cannot be disposed in squares and parallelograms, the extent of the allotments must necessarily vary according to the arrangement of the streets and public thoroughfares. At the same time I endeavoured, in conformity with your Excellency's wishes, to avoid giving to the allotments a greater area than the nature of the ground and other circumstances rendered necessary; and therefore on the west side of the town, where the land is comparatively level, greater attention has been paid to uniformity. It will accordingly be found, by reference to the plan of the town, that almost all the allotments differ in extent; some are more, some less; but throughout the town very few indeed are so small as a quarter acre, and those few are only in particular spots, which, from their locality, were especially desirable, and likely to be eagerly and immediately sought after.

Precisely the same motives and principles guided me in the disposition of the allotments in Official Bay. Your Excellency is aware that the extent of land in that bay, really available for building, is small, and that the valley is surrounded by a very steep cliff or bank, on the side of which it is not only impossible to build, but which it required no little art and consideration to surmount by means of a street or road. The water-frontage in this part is not valuable, and can never become so but by a great outlay of capital, the water being so shoal and the coast trending so far back from Point Britomart, as to throw it very much further from the channel than Commercial Bay, as may be seen at once by reference to the plan. To persons who are aware that the whole line of coast from Point Britomart to Point Russell, is dry at low water to the extent of several hundred yards, the water-frontage will not appear of much value.

I must further observe, with reference to the question of water-frontage, that of the six allotments said to have been selected by government officers, two, namely, those in Shortland Crescent, have not been sold with water-frontage at all, but are bounded by Fort-street, although, until that street be formed, one of them may certainly be approached in a boat at high water; the other does not extend to the water, and is elevated on a bank probably 40 feet at least above the water level.

Of those in Official Bay, allotments Nos. 13 and 14 are situated on an almost perpendicular cliff, some 50 feet above the level of high water; No. 20 is nearly as elevated; and only a portion of the one allotment, No. 15, is available without considerable labour and expense.

Allotments 18 and 19 were sold to the highest bidders; and 16 and 17 are reserved for the Government, as the two best allotments in the bay, which they unquestionably are. The propriety of making such reserves of some of the best allotments in the town for the Crown, for public purposes, will, I presume, be questioned by no one.

It has been attempted to show that these allotments derive a great additional value from the circumstance of one of these reserves being intended for a dockyard. I, however, beg to deny being at all aware of any such intention, both because a dockyard is not likely to be required for very many years to come, and if it were, this is about the last place in which it would be desirable to place it. Mention has been made of frontage on the public quay, and an insinuation thrown out that such advantage was confined to these allotments. Your Excellency will, however, not fail to observe that the public quay is extended all round the town, and that, consequently, any advantage derived from easy access to it is equally participated in by all the allotments in the town which have frontages on the harbour. I submit, however, that it is rather a disadvantage than otherwise, inasmuch as the circumstance of a public thoroughfare passing in front of a wharf, deprives the owner of the private and exclusive use of that wharf, which is usually considered anything but desirable.

With respect to the other allotments occupied by the government officers, your Excellency is well aware that in all of them there was some difficulty, owing to the irregularity of the ground, in finding a spot on which to place a house; that in several cases expensive excavations were made before a house could be erected; and the house of one gentleman was removed twice, after having been erected. Had the allotments being smaller, they would have been unfit for the purpose for which they were intended, namely, as residences for the officers of the government, in immediate proximity to the scene of their duties, but retired from the commercial part of the town.

It may not perhaps be deemed improper here to observe, that the circumstance of my own allotment, No. 3, of section 8, being larger by one perch than the others, arose from my houses.

houses having been erected before the allotments were marked off, and its becoming necessary to alter a little at one end, the direction of one of the lines in order to avoid a building.

The statement that these allotments are above the fair average value of the sections in which they are situated, I assert to be utterly without foundation. Of the waterside allotments the two best, Nos. 16 and 17, are reserved for the Crown; the two next, Nos. 18 and 19, were sold by auction, as were also Nos. 11 and 12, which are of at least equal value with Nos. 13 and 14. Of those not having water-frontages, the two best, Nos. 1 and 4, are reserved by the Crown; and of the remaining nine, but two were appropriated to Government officers. The statements which have been made respecting the great value of the allotments in this bay are equally devoid of truth. For commercial purposes they would not have been sought, nor will they become available for years, on account of the shallowness of the water, which renders them unapproachable for any mercantile purpose, until much labour and expense have been bestowed on the construction of wharfs and jetties. Had they all been submitted to public auction, they would have been sought after only by land-jobbers, for purposes of speculation; and, in all probability, not a house would have been erected, nor the slightest improvement made in any of them for a length of time. That which has indeed developed their capabilities, and stamped a value on these allotments, as well as on the adjacent lands, is the capital expended on them by the officers of the Government: and had the land remained in its primitive state, covered with an almost impenetrable jungle, at the time of the sale, I suspect that scarcely a bidder would have been found, and not one but for purposes of speculation.

Your Excellency is so perfectly cognisant of every circumstance connected with the appropriation of the land in question, that it would be almost presumptuous in me to attempt to recal them to your recollection. I, however, cannot avoid, in common justice to my brother officers and myself, respectfully adverting to our condition when we first arrived at this settlement, and the difficulties which, from various causes, arose in the way of our obtaining the object of our wishes, namely, a suitable spot on which to erect houses for ourselves and families. Your Excellency is well aware of the desolate condition of the settlement when first established; of the inconveniences and privations we many of us experienced during a residence of about eight months in tents in this wet climate; the length of time that elapsed before the question was settled; the feeling of soreness and discontent which (I need not attempt to conceal from your Excellency) arose from this delay, and from the apparent unwillingness to grant us what we could not consider in the light of a boon, because we always anticipated paying the full value for any land which the Government might allow us; the actual loss of property we encountered from being so long exposed to the weather, with no better shelter than tents and tarpaulins,—are all matters which your Excellency cannot fail to recollect. And surely, when all these circumstances are considered, and when it is made known that no fewer than nine houses, most of them expensive wooden ones, with proper offices, have been erected by the Government officers, several allotments fenced, and the sum of nearly 3,000*l.* added by these officers to the public chest, being at the rate of about 600*l.* per acre, a price which even in Sydney was never dreamed of until within these very few years past, when all these points are duly considered, I respectfully submit that it must in common fairness be conceded that we have barely received at the hands of the Government that consideration which we had reason to expect.

It is with the utmost deference that I submit these remarks, well knowing that had your Excellency's personal feeling alone been consulted in the matter, none of these difficulties would have arisen; and while we felt aggrieved by the act, we could not but admire and approve the principle in which it originated. But when it is unblushingly asserted that the Government has shown undue partiality to its officers, and that they have derived an unfair advantage from the very trifling concession, which with so much difficulty was yielded to them, I feel assured that your Excellency will pardon my adverting to circumstances, and reviving recollections which, whatever feeling they may have formerly engendered, have long since passed away and subsided into a conviction of the sound judgment no less than the kindly feeling by which your Excellency was actuated in the final settlement of the question.

His Excellency Captain Hobson, R. N.
&c. &c. &c.

I have, &c.
(signed) *Felton Mathew*,
Surveyor-General.

(No. 3.)

Sir,

Surveyor-General's Office, Auckland, 30 July 1841.

I HAVE the honour to transmit herewith, for your Excellency's information, copies of the following documents, referring to a statement made by Mr. Dudley Sinclair, that he had obtained certain information respecting the suburban allotments in the vicinity of Auckland "from a surveyor," namely,

- No. 1 *a.*—Copy of letter to Mr. Halls.
- No. 2 *a.*—Copy of Mr. Halls' answer.
- No. 3 *a.*—Copy of letter to Mr. Symonds.
- No. 4 *a.*—Copy of Mr. Symonds' answer.

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No. 5 a.

I have considered it necessary to institute a rigid inquiry into this matter, in order to exonerate every officer of my department from the charge of gross breach of trust, which is implied by Mr. Sinclair's statement, and for the purpose also of affixing on the proper person the stigma arising from this most dishonourable transaction.

I have further the honour to enclose, for your Excellency's information, an original letter addressed by Mr. Sinclair to Mr. Halls yesterday, after an interview had taken place between the former and Mr. Symonds. This letter has been given up to me by Mr. Halls, in the most proper manner, in the presence of Dr. Gammie, of the 80th Regiment, in whose presence, yesterday evening, Mr. Halls taxed Mr. Sinclair with the conversation which had taken place between them on a former occasion, as detailed in Mr. Halls' letter to me (No. 2), and which Mr. Sinclair admitted to be correct. Dr. Gammie has confirmed to me what passed on the subject yesterday evening.

On the subject of Mr. Sinclair's letter, I feel it unnecessary to make one word of comment; it fully explains the whole transaction; and having, I trust, exonerated from blame the officers of my department, I leave the matter in your Excellency's hands. I may be permitted to observe, that I have much reason to be satisfied with the conduct of both Mr. Symonds and Mr. Halls in this affair.

His Excellency Captain Hobson, R.N.
&c. &c. &c.

I have, &c.
(signed) *Felton Mathew*,
Surveyor-General.

No. 1 a.

Sir,

Surveyor-General's Office, Auckland, 29 July 1841.

FINDING that Mr. Dudley Sinclair has surreptitiously obtained some information relative to the suburban allotments, before such information had reached me as the head of the survey department, it becomes my duty to call upon you, as an officer attached to that department, to state distinctly if any information whatever has been communicated by you, directly or indirectly, to Mr. D. Sinclair, regarding the allotments in question.

Mr. J. Halls.

I have, &c.
(signed) *Felton Mathew*,
Surveyor-General.

A true copy.

(signed) *Felton Mathew*,
Surveyor-General.

No. 2 a.

Sir,

Auckland, 29 July 1841.

IN reply to your letter of this date, calling on me to explain if Mr. Dudley Sinclair had ever obtained any information from me relative to the suburban allotments, I have the honour to state, that a few days since, I met Mr. Sinclair accidentally, when he observed that he had made a stir about the suburban allotments, or words to that effect: I replied, "I am aware of that, as I find the surveyor-general has instructed Mr. Symonds to alter them; but how did you obtain your information?" "Oh!" Mr. Sinclair replied, "I saw the sketch on Mr. Symonds' table." "But how did you obtain the quantities?" I observed; Mr. Sinclair replied, "I guessed the rest." This was all that transpired on the subject; and I give my honour that Mr. Sinclair has obtained no information whatever from me.

The Surveyor-General,
&c. &c. &c.

I have, &c.
(signed) *John Halls*.

A true copy.

(signed) *Felton Mathew*,
Surveyor-General.

No. 3 a.

Sir,

Surveyor-General's Office, Auckland, 29 July 1841.

IN consequence of a statement made by Mr. Dudley Sinclair, that he had obtained some information "from a surveyor" relative to the suburban allotments, which had not at the time reached me, as the head of the department, and would consequently imply a gross breach of trust on the part of a public officer, I called on Mr. J. Halls, surveyor, to state if he had in any way been the means of communicating such information to Mr. Sinclair.

In

In reply, I have received a letter from Mr. Halls, of which the enclosed is a copy; and you will therein perceive, that from the statement made by Mr. Sinclair to Mr. Halls, the former obtained his information from you. It therefore becomes my duty to call on you to state to me distinctly, whether Mr. Sinclair's assertion be correct, and in what manner this information was really obtained.

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Mr. Assistant-Surveyor Symonds.

I have, &c.
(signed) *Felton Mathew*,
Surveyor-General.

A true copy.

(signed) *Felton Mathew*,
Surveyor-General.

No. 4 a.

Sir,

Auckland, 29 July 1841.

IN reply to your letter of to-day's date, in which you request to be informed whether Mr. Dudley Sinclair received any information from me relative to the suburban allotments, previous to their being forwarded to you, as the head of the department, I have the honour to inform you that I most positively deny having communicated in any manner, or at any time, with Mr. Dudley Sinclair, or put him in possession of the information alluded to in your letter, concerning the above-mentioned allotments.

The Surveyor-General,
&c. &c. &c.

I have, &c.
(signed) *Jermyn Symonds*.

A true copy.

(signed) *Felton Mathew*,
Surveyor-General.

No. 5 a.

(Private.)

Dear Sir,

Auckland, Wednesday afternoon.

IN my conversation with his Excellency, I by mistake let slip that some of my information I had obtained about the suburban allotments was from a surveyor. This morning Mr. Symonds called on me to know whether I had said I had got my information from himself or from a surveyor. I replied I had said, from a surveyor. He immediately said, "It must be from Mr. Halls." I said, "I shall not tell you who it was from." He immediately said, "Did you pay Mr. Halls for your information?" I replied that I never had any money passed between us in our lives.

I think it right to put you in immediate possession of this intelligence. I have not said you told me anything, and shall not; so you can contradict it if you like. I am afraid I have got you, quite unintentionally on my part, into a scrape. Do not tell, even if you know, how I got my information.

I am, &c.
(signed) *D. Sinclair*.

Mr. Mathew is very angry about it all.

Endorsement.—Can you call on me to-morrow morning.

John Halls, Esq.
&c. &c.

— No. 38. —

(No. 18.)

COPY of a DESPATCH from Lord *Stanley* to Governor *Hobson*.

Sir,

Downing-street, 28 January 1842.

I HAVE received your despatch, marked "Separate," of the 21st of July last, relative to the complaint which had been made by Mr. Dudley Sinclair, of the manner in which the officers of your Government had been permitted to acquire allotments of land in the town of Auckland.

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In

No. 38.
Lord Stanley to
Governor Hobson.
28 January 1842.

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In my despatch, No. 2, of the 24th of September last, I intimated to you that Her Majesty's Government could not recognize the titles to land so acquired; and I perceive nothing in your present despatch to justify a departure from that decision.

I am, &c.

(signed) *Stanley.*

— No. 39. —

(No. 41/18.)

No. 39.
Governor Hobson
to the Principal
Secretary of State
for the Colonies.
3 August 1841.

COPY of a DESPATCH from Governor *Hobson* to the Principal Secretary of State for the Colonies.

New Zealand, Government House,
Auckland, New Ulster, 3 August 1841.

My Lord,

I do myself the honour to transmit an address from the inhabitants of Auckland to Her Majesty the Queen, which I have respectfully to request your Lordship will be pleased to present to Her Majesty.

In forwarding this address, allow me to express to your Lordship how highly I appreciate the honour in being selected to convey to Her Majesty the sentiments and feelings of Her loyal and affectionate subjects in this remote part of Her Majesty's dominions.

I have, &c.

(signed) *W. Hobson.*

Encl. in No. 39.

Enclosure in No. 39.

TO the QUEEN'S Most Excellent MAJESTY.

May it please Your Majesty,

WE, the undersigned, the governor, magistrates, and civil and military officers of the colony of New Zealand, and other inhabitants of Auckland, its capital, approach Your Majesty with our unanimous congratulations upon the birth of a Royal Princess; and hail, with the ardent hopes of loyal subjects, the additional security which this happy event affords, that the Imperial Crown of Great Britain will ever descend in a family illustrious as the firm supporters and promoters of civil and religious liberty.

Impressed with a grateful sense of Your Majesty's gracious views and intentions in the establishment of Your Sovereignty in and over the islands of New Zealand, and of Your benign consideration for the welfare, not only of the aboriginal inhabitants, but of its European settlers, we most humbly beg permission to express our heartfelt thanks for the boon of Your Majesty's Royal Charter and Commission erecting this colony into an independent and separate portion of Your dominions, and affording to its first Governor and Legislative Council the power and authority of providing for the local interests of this community, and granting, for the benefit of Your Majesty's subjects in this remote part of Your territories, an increased facility of forwarding civilization, and promoting its commercial and agricultural prosperity.

In thus tendering to Your Majesty the humble and dutiful expression of our congratulations and thanks, we venture to assure You that no exertion in our power shall be wanting in rendering this colony a loyal, peaceable, and prosperous possession of Your Majesty's Crown.

Upon this happy anniversary of Your Majesty's birth day, we offer our sincere wish that You may be blessed by Divine Providence with a long and glorious reign, and enjoy together with Your Royal Consort, that happiness which it is our daily and fervent prayer the Almighty may shower down upon You.

[163 Signatures.]

—No. 40.—

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(No. 14.)

COPY of a DESPATCH from Lord *Stanley* to Governor *Hobson*.

No. 40.

Lord Stanley to
Governor Hobson.
20 January 1842.

Sir,

Downing-street, 20 January 1842.

I HAVE to acknowledge the receipt of your despatch of the 3d of August last, No. 41/18, transmitting an Address to the Queen, from the inhabitants of Auckland, on the birth of the Princess Royal.

I have had the honour of laying that address before Her Majesty, who was pleased to receive it very graciously.

I have, &c.

(signed) *Stanley*.

—No. 41.—

(No. 41/2.)

COPY of a DESPATCH from Governor *Hobson*, to the Principal Secretary of State for the Colonies.

No. 41.

Governor Hobson
to the Principal
Secretary of State
for the Colonies.
4 August 1841.

My Lord,

Government House, Auckland,
4 August 1841.

ALTHOUGH your Lordship has doubtless been informed by Sir George Gipps of the agreement I entered into with James Reddie Clendon, Esq. for the purchase of his property at the Bay of Islands, I nevertheless now beg to submit to you copies of all the documents connected with that transaction, including the minute of the Executive Council, under date the 10th June last, in order that your Lordship may be put at once in possession of the necessary information to enable your Lordship to form an opinion on the propriety of my proceedings.

Referring to Enclosure, No. 2, which explained to Sir George Gipps the causes which impelled me to depart from the strict and rigid rule of official routine in making a purchase of such magnitude without the consent of my immediate superior, I beg leave in my own vindication to say, in addition to the causes therein stated, that I was totally uninformed of the measures contemplated by Sir George Gipps; and that I was quite unaware that I was then or ever should be in a condition to assert a right on behalf of the Crown to any position which was adapted for a township. It was a subject on which I had no instruction, and all I could collect from colloquial communication with Sir George Gipps on the subject of the recognition of claims to land in this country was, that "all improved property, with a good belt of land round it, would certainly be recognised." Mr. Clendon's property stood exactly in that condition. Had I found any situation suited for a town, which was neither improved nor inhabited, with my own imperfect knowledge of the case, I would have taken possession of it on my own responsibility, trusting to your Lordship to grant adequate compensation to the owners.

Your Lordship, I presume, is aware that Sir George Gipps disapproved of my proceeding, and that his Excellency refused to insert my advertisement to sell the land in October 1840, in the New South Wales Government Gazette. This being a virtual prohibition to the sale of the land (the insertion in the Gazette being necessary to give validity to the sale), I was deprived of the means I had proposed for paying Mr. Clendon the stipulated price. Thus situated, I again applied to Sir George Gipps to make some payment to Mr. Clendon, who was greatly embarrassed by the disappointment which resulted from my non-payment of one thousand pounds (1,000 *l.*) promised in the original agreement in October. His Excellency replied that he saw no reasonable objection to my paying a fair rent for the stores and premises, which have been for the last 18 months of the highest value to the Government.

Accordingly, when this colony was detached from New South Wales, I deemed it my duty, both in justice to Mr. Clendon, and for the honour of the Government, to bring the matter to a speedy adjustment; and I submitted to the Executive Council the propriety of granting, at the usual rate of interest in this

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country, a sum of money amounting to two thousand three hundred pounds (2,300*l.*) as rent for the 18 months for the stores, wharves, dwelling-houses, and other premises that had been used in the Government service at Russell, and to give Mr. Clendon a maximum grant of land according to the provision of the Act of Council 4 Vict. No. 7, in compensation for the land, buildings, &c. at that place, for the details of which I have the honour to refer you to the minutes of council, copies of which are enclosed.

I approach this subject with some degree of diffidence, having already met with a disapproval from my official superior; but I trust that your Lordship will view with indulgence any part of this transaction which may not exactly accord with your opinions, and give me credit for acting with due solicitude for the public welfare in the difficult position in which I was placed, and, finally, I trust your Lordship will approve of the steps I have taken for its final adjustment.

I have, &c.

(signed) *W. Hobson.*

Encl. 1, in No. 41.

Enclosure 1, in No. 41.

Bay of Islands, New Zealand,
23 March 1840.

Sir,

IN conformity with the verbal instructions which I received from His Excellency the Lieutenant-governor, I have employed myself pending the arrival of the store-ship, in minutely examining the Bay of Islands with a view of ascertaining its capabilities, and determining the most eligible site for a settlement.

Although from its geographical position, no less than from the very rugged and impracticable character of the country in its immediate vicinity, the Bay of Islands cannot be regarded as an eligible spot for the principal settlement or capital of this island; yet it is evident from the numerous European population congregated there, and the extent of capital already employed in its immediate vicinity, as well as from the circumstance of its being the resort of so large a number of whaling ships, both English, French, and American, that no conceivable circumstances can retard its improvement, or prevent it from becoming, as a port, a place of primary importance. It is therefore absolutely necessary that an establishment should be formed by the Government; and my attention has accordingly been earnestly directed to the most practicable mode of carrying the object of the Government into effect, and to determining the most desirable spot for the purpose; the difficulty of deciding this question being necessarily much augmented by the circumstance of all the land in the vicinity of the Bay being already in the hands of Europeans.

I have now the honour to lay before you, for the consideration of his Excellency the Lieutenant-governor, the result of a very minute examination of the Bay, and a very attentive consideration of the matter in question.

The principal, and indeed the only settlement yet formed in the Bay of Islands is at "Kororarika," a small bight which is shown on the Admiralty chart; and to this point my attention was in the first place directed, as being the spot in which the majority of the present European population is concentrated. It is, in my opinion, open to many formidable objections, which unfit it for a principal settlement, and preclude the possibility of its ever becoming a place of other than secondary importance.

The water, in approaching the beach, is very shallow, so that it is impossible for even small vessels to approach within a considerable distance of the shore, which is fully exposed to the north and north-westerly winds, and on which there is frequently so much surf as to render it difficult, if not impossible for a boat to effect a landing. The extent of land which it would be possible to render available for building purposes, is absolutely insignificant; and it is already in the hands of so many private individuals, by whom it has been sold and resold, divided and sub-divided, that it would be extremely difficult for the Government to respect the claims of these individuals, however well founded, and at the same time obtain a portion of land of sufficient extent for the purposes for which the Government would require it. While on this subject, I have, however, to press on the attention of his Excellency the Lieutenant-governor, that although the local disadvantages of Kororarika altogether unfit it, in my opinion, for the principal settlement in the Bay of Islands, yet that as there can be no doubt of its rapidly improving and advancing to a certain stage of prosperity, the interposition of the Government is absolutely necessary in order to insure a due degree of regularity in the laying out of the town, and to prevent the encroachments, obstructions, and nuisances which will, otherwise, perpetually occur. The number of houses already erected and in progress does not, I think, exceed forty, or perhaps fifty; these are wholly of wood, and few of them at all durable. The influx of strangers, and the consequent demand for buildings is, however, so considerable, that I apprehend much difficulty may arise in the proper arrangement of the streets and public ways, unless some immediate steps be taken by the Government for this purpose; the measure which I would beg to suggest is this, that the Government should take possession, without respect of persons,

persons, of the whole of the land available for the purpose, and when a town has been laid out on an approved plan, that the claimants shall receive allotments in proportion to the extent of their claims, a fair and equitable deduction being made from each for streets, &c. and respect being had as far as may be practicable to the locality of their several allotments; there can be no doubt that such an arrangement as this, by substituting broad and well-formed streets for narrow and irregular byeways, and by the many other obvious advantages which it presents, would materially tend to enhance the value of property in the town, and I have reason to believe that it would prove satisfactory to the proprietors generally.

At the same time I have no doubt that the Government will be enabled, by negotiation with the native chiefs, to obtain possession of a considerable extent of land, comprising the most important part of the frontage on the bay, and in the very centre of the town, which still remains in possession of the natives, and which when properly disposed, will afford ample space for the erection of all necessary Government buildings, and at the same time leave a number of very valuable allotments for sale.

I have considered it my duty to draw the attention of his Excellency the Lieutenant-governor to this subject, because I consider it one of paramount importance; and as I observe, that towns are, or profess to be, laid out and allotments sold, at the will and pleasure of individual speculators, I am desirous of being informed if it be the intention of the Government to recognise the right of private individuals to dispose of their property in this manner, or whether it will not be considered necessary to interfere, in order to prevent the laying out of any towns or villages, excepting under the control and direction of the Government.

The spot which next demanded my attention was that portion of the land claimed by Mr. Busby, on which his present residence stands; bounded on one side by the bay, and on another by the Waitangi river, and which it appears that gentleman has laid out for a town, under the name of Victoria, several allotments having been already sold.

The land itself is more level and suitable for building than any other spot in the Bay of Islands, but it is fully exposed to almost every wind that blows, it is open to the full set of the sea, and its shore is surrounded by a most dangerous shoal, extending many hundred yards from the land, which renders it perfectly inaccessible to ships, and nearly so to boats, unless the weather be perfectly fair and calm. The river itself is very shoal, and the only practicable channel very narrow and precarious; this spot does not present one solitary advantage as a site for a settlement.

Proceeding up the harbour, I examined its shores on either side without finding any suitable locality, the land being in all cases too broken and precipitous, and the water too shallow to admit of vessels approaching it. Nearly at the head of the anchorage, however, there is a spot belonging to Mr. Clendon, American Consul, which after a most minute and careful examination, both by land and water, I can confidently assert to be the only spot in the Bay of Islands which is at all suitable for a settlement, or calculated for the purposes of the Government. It is distinguished on the Admiralty chart as Point Omata; the water along a large portion of its boundary is so deep as to admit of ships lying almost close in shore, and an extensive line of wharfs and quays may be constructed at a very moderate expense. This part of the harbour, moreover, being land-locked, presents the best and safest anchorage. The land rises less abruptly from the shores than is common in the Bay of Islands, and there is a considerable extent of undulating ground highly favourable for the laying out of a town. There is abundance of fresh water, firewood, and brick earth, and its position on the southern shore of the harbour, and just at the junction of the Kawa Kawa river, presents peculiar advantages for internal communication, either by land or water. The Kawa Kawa I have examined for a distance of some miles upwards, and I find a clear and unobstructed channel, having a depth of water of one fathom at least, at low water.

The land claimed by Mr. Clendon, and of which he has been in possession upwards of eight years, is supposed to comprise something more than 300 acres. I have most carefully examined every part of it, and although the back-land is rugged and precipitous, there is a much larger portion of it level than I have yet seen in the Bay, and fully sufficient to afford space for a very pretty and convenient town. There are on the land a very comfortable cottage with suitable buildings, an extensive and substantial store office, smith's shop, boat-builder's shed, &c., the whole of which are in good repair, and would be immediately available for the purposes of the Government. The circumstances of the whole of this property being in the hands of one individual, whose claim to it is, I believe, indisputable, would render it peculiarly easy of attainment; and from the conversation I have had with Mr. Clendon, I am induced to believe, that if the Government were disposed to form a settlement on his land, he would meet their views on perfectly fair and equitable terms.

Taking therefore, into consideration the incalculable advantage which the Government would derive from the possession of a spot, the sale of which in town allotments, would afford an immediate and very considerable revenue; the expense which would be saved in the erection of the different buildings required by the Government, and which in the present scarcity of materials would be very great; the circumstance also of this affording the only spot in the Bay of Islands which is at all eligible for the purpose, I cannot but express a decided opinion that the purchase of this land from Mr. Clendon, on anything like fair and reasonable terms, would be highly advantageous to the Government; that the outlay of money would be covered by the first sale of town allotments, and that the completion

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of the measure would lay the foundation of a very important, populous and flourishing settlement.

The buildings would afford ample accommodation for the residence of a police magistrate, a store, barrack-hospital, mechanics' workshops, and indeed every convenience which can be for some time required. Should his Excellency think favourably of the suggestion which I have the honour to offer, and concur in the views which I have taken, I have the honour to request that I may be authorised to treat with Mr. Clendon for the purpose of attaining the object in question.

Conceiving that I shall best discharge my duty to Her Majesty's Government, and most effectually promote the object which his Excellency has in view, by at once bringing to bear all the information which I have been enabled to collect with regard to the Bay of Islands, and its position as regards the northern interior of the island; I cannot conclude this Report without adverting to the means of communication between it and the fertile and valuable districts of Waimate and Hokianga, between which places and the bay much intercourse already takes place. The existing road to both those places is practicable only for a horse, and could not be rendered a good and permanent line, excepting at a very great expense; added to which, I feel satisfied of its being an erroneous one, and am very sanguine of finding both a nearer and a better.

A very desirable means of communication with this country is opened by the river Keri-keri, which is navigable for large boats as far as the falls at the missionary station, and from whence a good cart-road extends to Waimate.

If a sufficient quantity of land were obtained by the Government, and reserved for a small town or village, it will eventually form a dépôt for the produce of the whole fertile agricultural district of Waimate; and, if in connexion with this, another tract of land were obtained for a similar purpose in the Bay of Tissee, or Tipoonah, I anticipate that many whaling vessels would resort to this bay in preference to the more open roadstead in front of Kororarika. At present, however, it is little known, on account of its distance from Kororarika, hitherto the only place from whence supplies could be procured.

A considerable extent of gently undulating land, well supplied with fresh water, and well adapted for the purpose I have mentioned, lies about a mile above the junction of the Keri-keri, on the opposite side of the bay. The land is bounded on one side by a creek, navigable for a short distance, and at a point near the mouth of the creek there is four fathom water close in shore.

The whole of the upper part of the Bay of Tipuna presents a splendid anchorage; it is land-locked, and with depth of water which will admit of a large vessel lying almost close to the rocks.

The land in both of the situations which I have alluded to, belongs I am told to the Church Missionary Society; I should apprehend therefore, that no difficulty can possibly exist in obtaining such a quantity as the Government may require for the purpose which I have pointed out.

Considering that it would be most in accordance with the views of his Excellency the Lieutenant-governor that he should be at once put in possession of all the information I have collected from personal observation connected with the Bay of Islands, and the opinions I have adduced therefrom, I have considered it desirable to present them in one connected Report, which I trust may be found satisfactory to his Excellency, and beneficial to the public service.

I have, &c.
(signed) *Felton Mathew,*
Surveyor-general.

Enclosure 2, in No. 41.

Sir

Paihia, 21 April 1841.

Encl. 2, in No. 41.

With reference to my letter of yesterday's date, informing your Excellency that I had entered into a preliminary agreement to purchase the lands and buildings belonging to Mr. Clendon, I think it right to inform your Excellency of my reasons for incurring so great an expense without first obtaining your sanction.

The great importance of the Bay of Islands, both as regards its trade, and the enlightened condition of the numerous native population around it, renders it imperative that a town exclusively under the influence of Government should be established on its shores.

After a strict examination of the Bay of Islands by Mr. Mathew, it was determined that the only eligible seat for a township was the land which had been improved and built upon by Mr. Clendon. It so happened that Mr. Clendon, well aware of this fact, had surveyed and laid out a town which he had actually commenced selling. Owing to a report that had been industriously circulated that I intended to fix the seat of Government on Mr. Busby's land, he only succeeded in parting with a few allotments. However, the falsehood was soon discovered, and the property was again in the market; but before he would resume the sale by auction, he renewed his offer to me, demanding 23,000 £. for the property.

On the arrival of the Westminster, the necessity for fixing on a settlement became more urgent. The ship was retained in the service of Government at an expense of 20 £. per diem. There was not a spot in the bay on which I could disembark the workmen or stores that was not already in the possession of Europeans. Under these circumstances I was induced

induced to negotiate with Mr. Clendon, who after some difficulty reduced his terms to 15,000 *l.*, but would by no means consent to suspend the sale of his allotments until reference could be made to your Excellency.

I was therefore reduced to the alternative, either of buying it at once, or of surrendering the advantage of this valuable site for a town.

Impelled by these circumstances, which were rendered more urgent, as I have before observed, by the accumulating expense of the Westminster, for the cargo of which no storage could be obtained, I consented to the terms that are submitted in my letter of yesterday.

I trust the necessity of the case will justify the measures I have adopted. I feel confident I have not made an improvident bargain. I have cautiously worded my agreement, so as not to embarrass the Commissioners in the settlement of the land question, and I have provided for the establishment of every branch of the Government in a respectable and efficient manner.

I have, &c.

His Excellency Sir George Gipps, Governor,
&c. &c. &c.

(signed) *W. Hobson.*

Enclosure 3, in No. 41.

Encl. 3, in No. 41.

ARTICLES of Agreement entered into the 25th day of April, in the Year of our Lord 1840, between *James Clendon*, of Okiato, Bay of Islands, Esquire, of the one part, and *W. Hobson*, Post Captain in the Royal Navy, and Lieutenant-governor of the Colony of New Zealand, on behalf of Her Majesty Alexandrina Victoria, Queen of Great Britain and its Dependencies, of the other part.

It is hereby agreed, by and between the said parties to these presents, that the said *James Clendon* shall sell (subject nevertheless to the proviso hereinafter mentioned) unto the said *W. Hobson*, his successors and assigns, on the behalf of Her Majesty Alexandrina Victoria, Her successors and assigns, all that piece of land and hereditaments situate at Okiato aforesaid, containing by admeasurement 300 acres of land, more or less, together with all messuages or tenements, buildings, and stores thereon erected; and all that piece of land immediately adjoining the aforesaid property, and containing by estimation 80 acres, more or less, at or for the price or sum of 15,000 *l.* sterling; and the said *James Clendon* shall give up the possession of the whole of the said pieces of land, and the messuages and buildings, on the 1st day of May 1840; and the said *W. Hobson*, his successors and assigns, shall and will pay (subject nevertheless to the proviso hereinafter mentioned) unto the said *James Clendon*, his heirs, executors and assigns, the sum of sterling, in manner following; that is to say, 1,000 *l.* to be paid on the said *W. Hobson*, his successors or assigns, taking possession of the said piece of land and hereditaments, messuages and tenements; the further sum of 1,000 *l.* to be paid on the 1st day of October 1840, and the remainder of the said sum of 13,000 *l.*, to bear interest at 10 per cent. per annum, the first half-year's interest to be made payable on the 1st day of April 1841: and it is hereafter further agreed, that the said *W. Hobson*, his successors or assigns, shall have the option of paying off the whole or any part of the remainder of the said purchase-money, by giving to the said *James Clendon* three months' notice to that effect; provided always, that nothing hereinafter contained shall make this agreement binding on the said *W. Hobson*, his successors or assigns, in case the title of the said *James Clendon* shall not be approved of by Her Majesty's Court of Claims, to be hereinafter established in New Zealand. In witness whereof, the said parties to these presents have hereunto set their names and seals, the day and year first within written.

(signed) *W. Hobson.*
James R. Clendon.

Sealed and delivered, in the presence of,
(signed) *Willoughby Shortland*,
Colonial Secretary.

Enclosure 4, in No. 41.

Encl. 4, in No. 41.

COPY Minute.

Thursday, 10 June 1841.

HIS Excellency brought under the notice of the Council the case of Mr. *James Ready Clendon*, who had applied for payment of the second instalment due to him for the property purchased at Russell, and for the interest on the remainder according to his agreement. Upon consideration,

It was agreed, That a compensation be given to Mr. *Clendon* of a grant from the Crown of 30 acres for each acre given up at Russell, and a year and a half's rent at the rate of 1,500 *l.* a year, amounting, after deducting 1,000 *l.* sterling already paid, to the sum of 1,250 *l.*

NEW
ZEALAND.

Tuesday, 29 June 1841.

THE case of Mr. Clendon was again laid before the Council, by his Excellency the Governor, when it was resolved,

That Mr. Clendon's claim be referred to the land commissioners, for immediate hearing, determination, and report thereon, under the ordinance, and to instruct the commissioners, if they report in favour of Mr. Clendon's title, that they are to allow him in compensation at the rate of 30 acres for every ascertained acre of the land reserved by government for the township of Russell. Upon this report Mr. Clendon may select the whole land so to be allowed as compensation, in one block from government land, subject to the Governor's approval, and a survey of such land will be made as early as possible, after which Mr. Clendon will be entitled to his grant; the land, however, is to be selected under any land regulations which the Secretary of State may direct to be enforced, or which the Governor may establish. Mr. Clendon's selection to be considered as the first Colonial Land Order.

Ordered, That the clerk of the Council do furnish Mr. Clendon with a copy of the above minute.

Saturday, 3 July 1841.

His Excellency the Governor laid before the Council the following letter from Mr. Clendon, relative to the completion of the arrangement for the purchase of Russell, which had been addressed to the clerk of the Council:—

Dear Sir,

Friday Morning, 2 July.

Referring to the copy of minute stating that I may select the land that may be awarded to me by the commissioners in one block, will you do me the favour to ascertain from the Governor and Council whether I am to understand that should the land so selected not contain the quantity I am entitled to, that I may make up the deficiency from another position.

James Coates, Esq.

I am, &c.
(signed) *James R. Clendon.*

Upon consideration it was resolved that a copy of the following decision should be forwarded to Mr. Clendon for his information:—

Resolved, That in the event of one block not containing the whole quantity of land awarded as compensation for the land at Russell, Mr. Clendon will be entitled to select the remaining portion from other block or blocks, subject of course to any land regulations which the Secretary of State may direct to be enforced, or which his Excellency may hereafter establish.

Mr. Clendon having been called in before the Council, and a copy of the minute being read, handed to the clerk the following letter, accepting the offer of the Council, which was ordered to be entered on the minutes:—

Sir,

Auckland, 2 July 1841.

I do myself the honour to acknowledge the receipt of your letter dated 30 June, enclosing copy of minute of his Excellency the Governor in Council relative to my claim to land at Russell, Bay of Islands, and to the proposed compensation to be allowed me for the land and buildings delivered by me to the government for its use at that place, and I have to request that you will lay before his Excellency and the Council my acquiescence in that arrangement.

I have, &c.
(signed) *James R. Clendon.*

True Copy, Extra.
J. Coates, Clerk of Council.

— No. 42. —

(No. 35.)

COPY of a DESPATCH from Lord *Stanley* to Governor *Hobson*.

No. 42.
Lord Stanley to
Governor Hobson.
10 May 1842.

Sir,

Downing-street, 10 May 1842.

I HAVE to acknowledge the receipt of your despatch, No. 41/2, of the 4th of August last, with various documents, on the subject of the purchase by the government of New Zealand from Mr. J. R. Clendon, of a portion of land in the Bay of Islands for government purposes.

I have attentively considered the circumstances connected with this transaction, as stated in your despatch, and I am of opinion that the information which you furnish on the subject is not sufficient to remove the *prima facie* impression, that in this transaction you have exceeded the proper limits of the discretionary authority vested in you. I see no sufficient proof that land adequate to the purposes of government might not have been obtained at that part of the Bay of Islands where the settlement is already established, nor that it might

might not have been procured of Mr. Clendon himself, without entering upon so unnecessarily a large transaction on the part of the government. I admit, however, that the balance of evidence would show that the spot selected possesses natural trading advantages superior to those of the existing settlements. I observe that by the second agreement made with Mr. Clendon, it is arranged that a rent should be paid to him for the use of his property for 18 months, and that he should receive 30 acres of Crown land for every acre which he had given up. In carrying out this agreement, however, the following conditions should be strictly enforced; first, that the land granted to Mr. Clendon should be country land, and contain neither town nor suburban allotments; and secondly, that it should, to the fullest possible extent, be comprised in one block, to be taken subject to all the regulations of the colony in respect of shape, frontage, &c., and to have only the outer boundary marked out. Upon the first point nothing is said in the agreement; but I cannot doubt, although Mr. Clendon's authority to select is to have precedence of all colonial land orders, that country land can alone have been intended. On the second point, it is stated in the arrangement, as at first expressed, that the land shall be taken in one block; but when Mr. Clendon requests that if the land he chooses does not contain the whole quantity, he may be allowed to select the remainder in another locality, the Executive Council agree that in the contemplated contingency Mr. Clendon shall be entitled to select the remaining portion from other block or blocks. This would give too great latitude of selection, and would defeat the object for which the restriction to one block is confined in similar cases, viz. to compel the purchaser of large tracts to take the good and the bad together. Mr. Clendon cannot, therefore, under the agreement, select his land where either previous proprietary rights or natural impediments prevent his taking the whole quantity in one block; or if any relaxation in this particular be allowed as having been already promised, it should at least not be carried to such an extent as to defeat the positive and express intention of the original agreement.

My objection is so strong in principle to the colonial government entering into any of the prevalent land speculations, that had this transaction been of a recent date, and had it been possible to communicate the decision of Her Majesty's Government within a limited time, I should, even in the present state of the case, have directed the disallowance of the agreement; but looking to the irregularities which have characterized the whole settlement of New Zealand, and to the necessity under which you are placed of taking care that the most advantageous sites are not monopolized by powerful private land companies; considering, also, that beyond the rent which has been paid for the land, it is not intended to make any demand for an actual outlay of money, and consequently that no embarrassment to the funds of the colony will result from the purchase; and further, that a disallowance of the transaction now would probably lead to much confusion and difficulty, Her Majesty's Government will not withhold their sanction to the proceeding, subject to the regulations above laid down, to which, of course, Mr. Clendon will be bound to assent.

I have to direct that the land of which the Government have thus become possessed, shall be as speedily as possible brought into the market; and that out of the first proceeds you reimburse to the Colonial Treasury the sum expended for rent, before any deduction is made in favour of emigration or any other purposes.

You will understand that you are positively prohibited in future, under any circumstances, from purchasing land from any individuals without the previous sanction of Her Majesty's Government. In the present case the previous disallowance of the transaction by the Governor of New South Wales, very much increases the responsibility which you have taken on yourself.

I am, &c.

(signed) *Stanley.*

NEW
ZEALAND.

— No. 43. —

No. 43.

(No. 41/16.)

Governor Hobson
to the Principal
Secretary of State
for the Colonies.
5 August 1841.

COPY of a DESPATCH from Governor *Hobson* to the Principal Secretary of State for the Colonies.

Government House, Auckland
5 August 1841.

My Lord,

2 Enclosures.

I HAVE the honour to enclose a Government Gazette, showing the result of the land sale of the 19th April, in which 119 allotments, containing 44 acres, sold for the gross sum of twenty-four thousand two hundred and seven pounds, seventeen shillings and ninepence (24,275*l.* 17*s.* 9*d.*), being an average of 555*l.* per acre, nearly, full reports of which have been forwarded to Sir George Gipps, who was then my official superior.

In drawing your Lordship's attention to this subject, I have the honour to acquaint you that on the 12th day of April, 89 suburban or cultivation allotments were advertised for sale by auction in the immediate vicinity of the town.

Upon the subsequent receipt of your Lordship's instructions on the 19th April, which superseded those of Lord Normanby, under which I previously acted, I immediately postponed the intended sale of allotments from the 12th of July to the 1st September, in hopes of receiving by that period further instructions on this subject.

Under these circumstances your Lordship will perceive that I was placed in the unpleasant dilemma of departing from your express commands, and inflicting a severe injury on the inhabitants of this town, by withholding from them for an indefinite period the means of providing for themselves the common necessities of life, and of occasioning considerable pecuniary loss and inconvenience to persons who might have made arrangements for purchasing these lands at the forthcoming sale.

Having already experienced, in the case of the town of Russell, the mischievous effect of annulling a sale which had once been advertised, I could not help pausing ere I again exposed the faith of the Government to the blighting effect of doubt.

The outcry on the former occasion was most violent, and in this it was reiterated with tenfold vehemence, owing to the increased inconvenience which would result to those who had resolved to settle in town, or who had already bought allotments there. Governed by these circumstances, I resolved to bring the matter before the Executive Council, and fairly put the question to them whether they considered your Lordship would better approve of a slight departure from your orders, or of the alternative which would inflict so much present inconvenience and pecuniary loss on the settlers of this town and neighbourhood.

The Council were unanimously of opinion that your Lordship would consider the absolute wants of the colonists as paramount to all other considerations, and advised me accordingly to sell the few allotments I had advertised; at the upset price at such a rate as to deter any one from purchasing, except those who were likely to become *bona-fide* settlers, and who would, by their presence and their industry, promote the health and comfort of the inhabitants of the town generally.

I should be sorry to convey to your Lordship, by any reasons I have as-

afford no chance of competition to industrious settlers, or to persons unacquainted with official business.

As a proof to your Lordship how the system of fixed prices would have affected the financial concerns of this colony in the sale of Auckland, I enclose the copy of an application forwarded to me by Mr. ——— which, had the fixed system been in operation, would have engrossed 60 town allotments for the benefit of himself and his friends, persons who can have no idea of settling in New Zealand; and if he had had the earliest selection, which from his activity in these matters he most probably would have had, he, and those he represents, would have realized from 20,000*l.* to 25,000*l.*

Even as the case stands, and high as the land sold, Mr. ——— and others have made considerable sums by the re-sale of choice allotments.

The sale by lot is subject to less objection, because it offers no exclusive advantage to jobbers, or to the officers of the Government, who might profit by their early knowledge of land to be sold, especially at the commencement of the system.

I object, however, to this method of gambling, which encourages jobbing instead of colonizing.

I hope I have not intruded my opinions too far, on subjects which your Lordship has probably decided, but I have taken the liberty of impressing these examples on your Lordship's notice, whilst there remains an opportunity of modifying a plan that admits of practices which I consider to be in the highest degree prejudicial to the interests of the colony.

I have, &c.
(signed) *W. Hobson.*

Enclosure 1, in No. 43.

Encl. 1, in No. 43.

THE TOWN ALLOTMENTS advertised in the Government Gazette, by the Notice, dated 25th February 1841, have (exclusive of Lots 1 to 3, 13, 15, 32, 37, 46, 47, 63, 70 to 73, 78, 79, 81, 82, 85, 92 to 96, 99, 101, and 130, which have been reserved) been sold to the under-mentioned Parties, by Auction, on the 19th and 20th April 1841, and the Price affixed to each respectively has been received, with the exception of the amount of the Balance on sundry Lots to be paid in Sydney.

Lots.	TOWN.	EXTENT.			PURCHASERS.	PRICE.		
		A.	R.	P.		£.	s.	d.
4	Auckland	-	0	0 35	Simmons, Weston & Co.	-	-	-
5	Ditto	-	0	0 38	James Williamson	-	-	-
6	Ditto	-	0	1 1	William M'Donald	-	6	-
7	Ditto	-	0	1 2	Edward Costly	-	6	-
8	Ditto	-	0	1 3	Frederick Whitaker	-	15	-
9	Ditto	-	0	1 4	Moses Josephs	-	4	-
10	Ditto	-	0	1 9	J. C. Crawford	-	-	-
11	Ditto	-	0	1 16	James O. B. Croker	-	16	-
12	Ditto	-	0	1 25	Robert Tod	-	15	-
14	Ditto	-	0	1 19	Willoughby Shortland	-	13	-
16	Ditto	-	0	1 34	Henry Tucker	-	14	-
17	Ditto	-	0	1 13	Want & Andrews	-	-	-
18	Ditto	-	0	0 32	Ditto	-	-	-
19	Ditto	-	0	0 32	Ditto	-	8	-
20	Ditto	-	0	0 32	Ditto	-	12	-
21	Ditto	-	0	1 4	Mrs. Ann Tod	-	4	-
22	Ditto	-	0	1 4	Moses Josephs	-	-	-
23	Ditto	-	0	1 4	William Mason	-	8	-
24	Ditto	-	0	2 10	Dudley Sinclair	-	-	-
25	Ditto	-	0	2 3	Moses Josephs	-	4	-
26	Ditto	-	0	1 34	Brown & Campbell	-	10	-
27	Ditto	-	0	1 27	Henry Thompson	-	18	-
28	Ditto	-	0	1 20	George Graham	-	-	-
29	Ditto	-	0	1 20	Robert Field	-	-	-
30	Ditto	-	0	1 14	James Watson	-	16	-
31	Ditto	-	0	1 7	Willoughby Shortland	-	2	-
33	Ditto	-	0	1 14	Patrick Donovan	-	16	-
34	Ditto	-	0	1 9	Alexander Kennedy	-	3	-
35	Ditto	-	0	1 19	New Zealand Banking Company	-	-	-

NEW
ZEALAND.

Lots.	TOWN.	EXTENT.			PURCHASERS.	PRICE.		
		A.	R.	P.		£.	s.	d.
36	Auckland	0	1	19	George Cooper - - - - - (a)	253	14	-
38	Ditto	0	1	20	Samuel A. Wood - - - - -	318	-	-
39	Ditto	0	1	32	I. Lord & J. Brown - - - - -	201	12	-
40	Ditto	0	1	9	Ditto - - - - -	144	11	-
41	Ditto	0	1	9	William Kendal & Samuel Marks - - -	124	19	-
42	Ditto	0	1	12	Francis Hamilton - - - - -	135	4	-
43	Ditto	0	1	16	Edward Costley - - - - -	137	4	-
44	Ditto	0	1	26	Charles O'Neile - - - - -	132	-	-
45	Ditto	0	1	36	J. C. Crawford - - - - - (a)	178	12	-
48	Ditto	0	2	5	I. Lord & J. Brown - - - - -	255	-	-
49	Ditto	0	1	29	Felton Mathew - - - - - (a)	127	13	-
50	Ditto	0	1	32	Alexander Hepburn - - - - -	147	12	-
51	Ditto	0	1	5	John Cunningham - - - - -	168	15	-
52	Ditto	0	1	4	Gilbert F. Dawson - - - - - *	-	-	-
53	Ditto	0	1	4	James Coates - - - - - (a)	228	16	-
54	Ditto	0	1	6	Peter Williams - - - - -	184	-	-
55	Ditto	0	1	5	I. Lord & J. Brown - - - - -	213	15	-
56	Ditto	0	1	5	Henry Thompson - - - - -	227	5	-
57	Ditto	0	1	5	Felton Mathew - - - - - (a)	227	5	-
58	Ditto	0	1	5	Ditto - - - - - (a)	227	5	-
59	Ditto	0	1	5	I. Lord & J. Brown - - - - -	225	-	-
60	Ditto	0	1	5	Ditto - - - - -	229	10	-
61	Ditto	0	1	5	J. C. Crawford - - - - - (a)	236	5	-
62	Ditto	0	1	8	Heale, Sinclair & Co. - - - - - (a)	254	8	-
64	Ditto	0	1	7	George Cooper - - - - - (a)	143	7	-
65	Ditto	0	1	7	William Greenwood - - - - -	145	14	-
66	Ditto	0	1	11	I. Lord & J. Brown - - - - -	191	5	-
67	Ditto	0	1	25	James Harris & William Gordon - - -	143	-	-
68	Ditto	0	1	30	George Benson - - - - - (a)	140	-	-
69	Ditto	0	1	29	William Mason - - - - -	148	7	-
74	Ditto	0	1	19	James Coates - - - - - (a)	179	19	-
75	Ditto	0	2	11	John Johnson - - - - - (a)	150	3	-
76	Ditto	0	1	36	James Rule - - - - -	144	8	-
77	Ditto	0	1	31	George Benson - - - - - (a)	142	-	-
80	Ditto	0	2	7	Willoughby Shortland - - - - -	265	7	-
83	Ditto	0	1	25	George Cooper - - - - - (a)	133	5	-
84	Ditto	0	1	31	Dudley Sinclair - - - - - (a)	198	16	-
86	Ditto	0	1	31	Francis Fisher - - - - - (a)	181	1	-
87	Ditto	0	1	9	Robert Wigmore - - - - -	100	9	-
88	Ditto	0	1	32	I. Lord & J. Brown - - - - -	151	4	-
89	Ditto	0	1	32	Ditto - - - - -	270	-	-
90	Ditto	0	1	6	J. Logan Campbell - - - - -	181	14	-
91	Ditto	0	1	6	George M. Mitford - - - - - (a)	138	-	-
97	Ditto	0	1	38	Felton Mathew - - - - - (a)	253	10	-
98	Ditto	0	1	38	Willoughby Shortland - - - - -	319	16	-
100	Ditto	0	1	10	William Goodfellow - - - - -	252	10	-
102	Ditto	0	1	4	William Buckland & T. Henderson - - -	147	8	-
103	Ditto	0	1	10	William Turner - - - - -	200	-	-
104	Ditto	0	1	8	John Swainson - - - - -	132	-	-
105	Ditto	0	1	8	Thomas Hellyer - - - - -	100	16	-
106	Ditto	0	1	8	Patrick Sharkey - - - - -	96	-	-
107	Ditto	0	1	8	William L. Standinger - - - - -	96	-	-
108	Ditto	0	1	8	Thomas Wright - - - - -	136	16	-
109	Ditto	0	1	1	J. Brown - - - - -	106	12	-
110	Ditto	0	1	1	John Johnson - - - - - (a)	118	18	-
111	Ditto	0	1	6	E. McLennan - - - - -	241	10	-
112	Ditto	0	1	17	C. T. Stone - - - - -	173	17	-
113	Ditto	0	1	16	Hoggard & Pollen - - - - -	210	-	-
114	Ditto	0	1	14	David Guillan - - - - -	186	6	-
115	Ditto	0	1	12	Ditto - - - - -	150	16	-
116	Ditto	0	1	8	Robert Tod - - - - -	290	8	-
117	Ditto	0	1	5	Thomas Russell - - - - -	182	5	-
118	Ditto	0	1	5	J. Lord & T. Brown - - - - -	180	-	-
119	Ditto	0	1	4	Dudley Sinclair - - - - - (a)	220	-	-
120	Ditto	0	1	3	J. A. Brown - - - - -	172	-	-
121	Ditto	0	1	3	Heale, Sinclair & Co. - - - - - (a)	215	-	-
122	Ditto	0	1	3	Frederick Whitaker - - - - -	129	-	-
123	Ditto	0	1	3	Alexander Dingwall - - - - -	90	6	-
124	Ditto	0	1	3	John Nolan - - - - -	73	2	-
125	Ditto	0	1	13	Alexander Ross - - - - -	95	8	-
126	Ditto	0	0	34	Dudley Sinclair - - - - - (a)	49	6	-
127	Ditto	0	0	34	Ditto - - - - - (a)	142	16	-
128	Ditto	0	1	0	Ditto - - - - - (a)	94	-	-
129	Ditto	0	1	0	Ditto - - - - - (a)	86	-	-
131	Ditto	0	1	10	Ditto - - - - - (a)	95	-	-

Lots.	TOWN.	EXTENT.	PURCHASERS.	PRICE.
		A. R. P.		£. s. d.
132	Auckland	0 1 7	Dudley Sinclair - - - - (a)	138 13 -
133	Ditto	0 1 7	I. Lord & T. Brown - - - -	133 19 -
134	Ditto	0 1 7	Ditto - - - -	117 10 -
135	Ditto	0 1 7	William Brown - - - -	108 2 -
136	Ditto	0 1 7	Thomas Greenier - - - -	98 14 -
137	Ditto	0 1 7	J. A. Brown - - - -	128 5 -
138	Ditto	0 1 7	Robert White - - - -	129 5 -
139	Ditto	0 1 7	S. Mills & R. Condon - - - -	94 - -
140	Ditto	0 1 7	J. Brown - - - -	96 7 -
141	Ditto	0 1 7	Dudley Sinclair - - - - (a)	155 2 -
142	Ditto	0 1 3	Gilbert F. Dawson - - - *	67 12 -
143	Ditto	0 1 3	George M. Mitford - - - (a)	129 - -
TOTAL - - - £.				21,299 9 -

(a) Deposit paid, the balance, amounting to 4,985*l.* 8*s* 1*d.*, to be paid in Sydney, in accordance with the Government Notice of the 22d of March last.

* Lots 52 and 142 sold for 267 *l.* 12*s.*; 200*l.* allowed as a retired Naval officer.

Colonial Treasury, Auckland, }
22 May 1841.

(signed) George Cooper,
Colonial Treasurer.

Enclosure 2, in No. 43.

Encl. 2, in No. 43.

STATEMENT of RESERVED ALLOTMENTS selected by Government Officers, in accordance with the Government Circular Notice, dated 17th September 1840, showing the Average Prices realised at the Sale of TOWN ALLOTMENTS at and in *Auckland*, on the 19th and 20th of April 1841, calculated (according to the Colonial Treasurer's Report), on the Aggregate Amount produced by the Total Number of Perches sold in each Section in which they are respectively situated.

No. of Section.	No. of Allotments.	Names of Government Officers for whom Allotments were reserved.	Contents of such Reserve.	Average Rate realised for One Perch of each Allotment, on the Aggregate Number of Perches in each Section.	Amount payable by each Government Officer.
					£. s. d.
3	11	Mr. Shortland - - -	1 34	- - 695 perches realised 3,190 <i>l.</i> 9 <i>s.</i> , is 4 <i>l.</i> 11 <i>s.</i> 9 $\frac{3}{4}$ <i>d.</i> per perch.	339 14 1 $\frac{1}{2}$
	13	Mr. Tucker - - -	1 30	- - - - -	321 7 10 $\frac{1}{2}$
4	17	Mr. Mitford, one moiety	0 29 $\frac{1}{2}$	- - 2,136 perches realised 8,664 <i>l.</i> 18 <i>s.</i> , is 4 <i>l.</i> 1 <i>s.</i> 1 $\frac{3}{4}$ <i>d.</i> per perch.	119 13 10
7	8	Dr. Johnson - - -	1 30	- - 646 perches realised 1,528 <i>l.</i> 3 <i>s.</i> , is 2 <i>l.</i> 7 <i>s.</i> 4 <i>d.</i> per perch.	165 13 4
	11 {	Mr. Coates } one moiety {	0 26 $\frac{1}{2}$	- - - - -	62 14 4
		Mr. Mason } each - {	0 26 $\frac{1}{2}$	- - - - -	62 14 4
8	3	Mr. Mathew - - -	2 34	- - 735 perches realised 2,193 <i>l.</i> 2 <i>s.</i> , is 2 <i>l.</i> 19 <i>s.</i> 8 <i>d.</i> per perch.	340 2 -
	7	Mr. Fisher - - -	2 33	- - - - -	337 2 4
	13	Mr. J. J. Symonds - -	1 30	- - - - -	208 16 8
	14	Captain Symonds - -	2 31	- - - - -	331 3 -
	15	Captain Richmond - -	2 33	- - - - -	337 2 4
	20	Mr. Rough - - -	1 30	- - - - -	208 16 8
16	2	Mr. Grimstone - - -	1 4	- - 731 perches realised 2,349 <i>l.</i> 9 <i>s.</i> , is 3 <i>l.</i> 4 <i>s.</i> 3 $\frac{3}{4}$ <i>d.</i> per perch.	141 7 11
TOTAL - - - £.					2,976 8 9

Colonial Secretary's office, Auckland, }
10 July 1841.

Willoughby Shortland,
Colonial Secretary.

NEW
ZEALAND.

No. 44.
Lord Stanley to
Governor Hobson,
14 February 1842.

— No. 44. —

(No. 22.)

COPY of a DESPATCH from Lord *Stanley* to Governor *Hobson*.

Sir,

Downing-street, 14 February 1842.

I HAVE received your Despatch, No. 16, of the 5th August 1841, containing a report of the result of the land sale, which took place at Auckland on the 19th of April preceding, realising the gross sum of 24,275 *l.* 17 *s.* 9 *d.*

I regret the inconvenience which has been caused by the frequent change of system in the land sales in the Australian colonies, and which has extended to New Zealand. In order to remedy that inconvenience, it is my intention to introduce into Parliament a Bill for regulating the sales of land in all those colonies on a fixed principle: and until you shall have received further instructions on this subject, you will be authorised to continue sales by auction, fixing the minimum price of the land for ordinary lots at not lower than 20 *s.* per acre; and for suburban and town lots at such a price as you may think expedient.

You will not, however, under the present circumstances, bring more land into the market than is absolutely necessary. At the same time, it will be desirable that you should make every exertion to extend the surveys so as to be in advance of the probable demand.

I am, &c.
(signed) *Stanley*.

No. 45.
Governor Hobson
to Lord J. Russell,
5 August 1841.

— No. 45. —

(No. 41/19.)

COPY of a DESPATCH from Governor *Hobson* to Lord *John Russell*.

My Lord,

Government House, Auckland, 5 Aug. 1841.

I HAVE the honour to enclose a sketch of the plot of ground on which the temporary government house has been erected in Auckland, containing 18½ acres and 20 perches.

The position of Government House is well adapted to the convenience of the public, and may be considered in all respects eligible for present purposes; but the ground will in a few years become too valuable to reserve for that purpose, and then the house I now occupy may with advantage be converted into public offices, and a new government house be built on a piece of ground that I have reserved, about a mile and a half on the east side of the town, containing upwards of 100 acres, the whole, or a part of which, may be formed into a domain, at your Lordship's pleasure.

I have, &c.
(signed) *W. Hobson*.

No. 46.
Lord Stanley to
Governor Hobson,
21 January 1842.

— No. 46. —

(No. 15.)

COPY of a DESPATCH from Lord *Stanley* to Governor *Hobson*.

Sir,

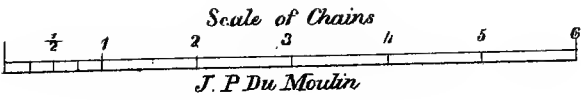
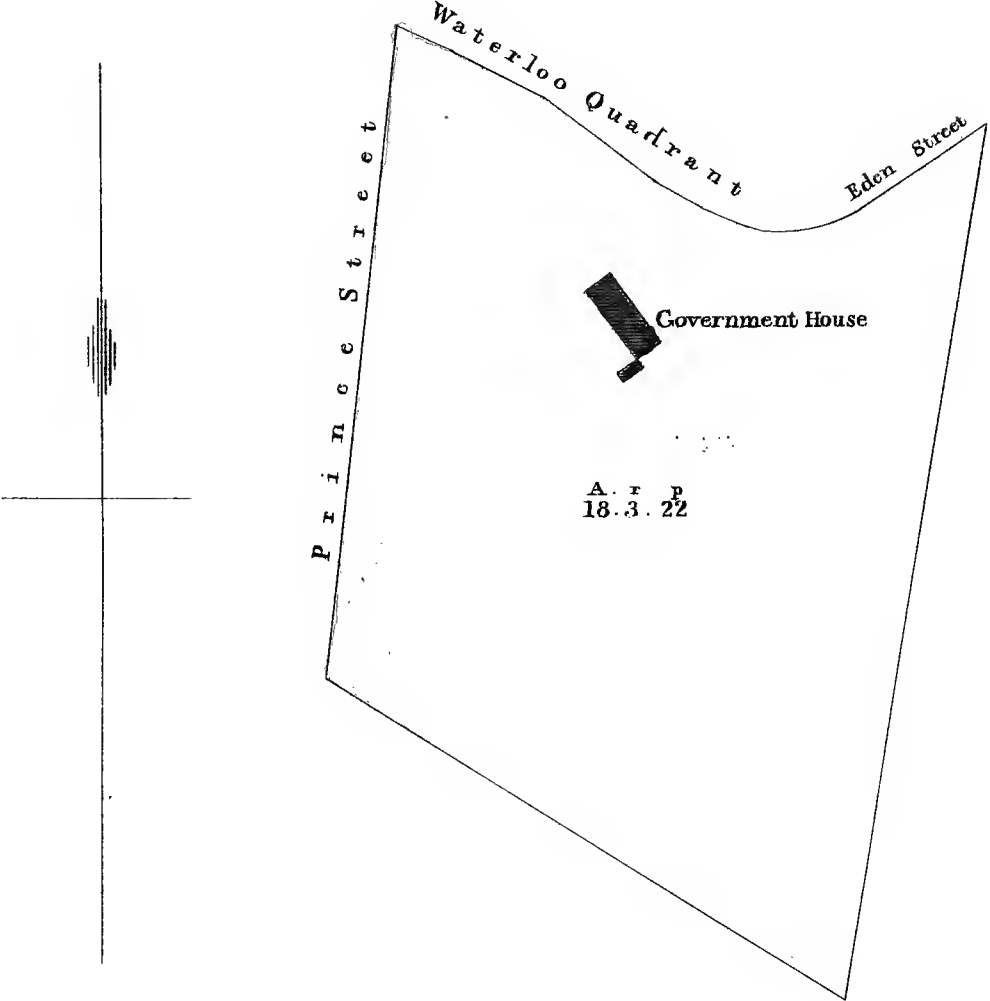
Downing-street, 21 January 1842.

I HAVE to acknowledge the receipt of your despatch of the 5th of August last, No. 41/19, enclosing a sketch of the plot of ground on which the temporary government house at Auckland has been erected.

I feel that I can only defer to your local knowledge and judgment in the selection of the site for that building.

I am, &c.
(signed) *Stanley*.

S K E T C H
of the Land reserved around the
GOVERNMENT HOUSE
A U C K L A N D
by
Felton Mathew Esq. Surv^r Gen.^l



— No. 47. —

(No. 41/21.)

COPY of a DESPATCH from Governor *Hobson* to the Principal Secretary of State for the Colonies.

No. 47.
Governor Hobson
to the Principal
Secretary of State
for the Colonies.
7 August 1841.

My Lord,

Government House, Auckland,
7 August 1841.

I HAVE the honour to acquaint your Lordship that on the 20th ultimo I appointed Edmund Storr Halswell, esq. to the joint offices of chairman of quarter sessions and commissioner of the court of requests for the southern district of this island, on a salary of 300 *l.* per annum, and I have to recommend to your Lordship that Mr. Halswell be confirmed in the appointment.

I have likewise to report that I have appointed the above-named gentleman to be commissioner for the native reserves, and protector of aborigines for that part of the colony, which offices, however, he fills without emolument.

I have, &c.

(signed) *W. Hobson.*

— No. 48. —

(No. 41/4.)

COPY of a DESPATCH from Governor *Hobson* to the Principal Secretary of State for the Colonies.

No. 48.
Governor Hobson
to the Principal
Secretary of State
for the Colonies.
5 August 1841.

My Lord,

Government House, Auckland,
5 August 1841.

I have the honour to refer your Lordship to a petition addressed to Her Majesty from some of the inhabitants of Port Nicholson, praying for my removal from this Government, which I apprehend was forwarded in the early part of June in this year, a copy of which is contained in the file of papers I herewith transmit.

It is highly repugnant to my feelings to offer any defence against charges so unjust and so unfounded; but for your Lordship's information, I beg to state that I deny that Port Nicholson is either geographically or locally adapted for a seat of government. I deny also that I ever sent a vessel to entice away from Port Nicholson any artificers or labourers who could be induced to leave that settlement, and I beg respectfully to submit to your Lordship, that, in the absence of any clue to, or knowledge of the intentions of Her Majesty's Government towards the settlers at Port Nicholson, and without the authority usually vested in a Governor, I could not visit that settlement with any advantage to the inhabitants.

These three allegations form the grounds of the petition.

The first is met by a contradiction founded on authority the most authentic and disinterested that could be procured.

The second I deny in distinct and positive terms; premising, however, that I did cause to be hired for the service of government in erecting this house, the mechanics and labourers mentioned in the margin, for whom a free passage was provided in a ship that was casually passing between the ports; but so far from this step being taken in a clandestine manner, I advertised for workmen generally throughout the colony, without reference to Port Nicholson more than any other settlement where there might be men wanting employment.

To the third I trust your Lordship will consider that I have given a sufficient reply.

I have, &c.

(signed) *W. Hobson.*

For Petition of the
Inhabitants of Port
Nicholson, vide Encl. 3,
in Mr. Somes's Letter
to Lord Stanley, 7 Sep-
tember 1841, p. 26.

4 pair of sawyers.
2 stonemasons.
4 carpenters.
5 labourers.

NEW
ZEALAND.

— No. 49. —

No. 49.

Governor Hobson
to the Principal
Secretary of State
for the Colonies.
27 Sept. 1841.

(No. 51.)

COPY of a DESPATCH from Governor *Hobson* to the Principal Secretary of
State for the Colonies.Wellington, New Zealand,
27 September 1841.

My Lord,

Encl. marked (A.) from Col. Wakefield.
(B.) Gov. Hobson, in reply.
(C.) From Captain Wakefield.
(D.) From Gov. Hobson, in reply.
(E.) From Colonel Wakefield.

For Lord J. Russell's Despatch, 22
April 1841, No. 31, *vide* Papers relative
to New Zealand, ordered by the House
of Commons to be printed, 11 May 1841,
No. 311, p. 138.

IN acknowledging the receipt of your Lordship's communications as stated in the enclosed schedule, I have the honour to acquaint you that the chief agent of the New Zealand Company has applied to me by letter, dated the 10th instant, to point out a suitable position on which to locate the second colony mentioned in your Lordship's letter of the 22d of April (No. 31.)

I now do myself the honour to enclose copies of all the correspondence which has taken place on that subject between the agents of the company and myself, marked respectively (A.) (B.) (C.) (D.) and (E.)

In calling your Lordship's attention to this subject, I cannot offer a better elucidation of my reasons for declining to appropriate for that purpose the lands sought by the Company's agents in the neighbourhood of Port Cooper, than is contained in my letter to Captain Wakefield (marked (D.)) But I scruple not to admit that had there not existed such sufficient grounds for my not acceding to the wishes of the Company's agents, I should nevertheless have deemed it my duty to object to the occupation of that part of New Munster until your Lordship's pleasure could be known respecting this proposed dispersion of the settlements over so extended a tract of country, whilst there remains so much excellent land unoccupied in intermediate positions.

From the eager desire evinced by the Company's agents, in the enclosed correspondence, to extend their settlements to the southern parts of the colony, your Lordship will probably coincide with my opinion, that their real motive in thus endeavouring to direct immigration to New Munster is either to oblige the Government to establish itself at Port Nicholson, or to render necessary a dependent government in New Munster.

Of the expediency of furthering either of these views, your Lordship is the most competent judge.

In relation to the system at present pursued by the New Zealand Company, of selling in England town lands of vast extent before any site has been chosen in this country, I respectfully submit to your Lordship that great evil seems likely to arise from that course. Not only are towns likely to be multiplied beyond the wants of the colony, merely to favour speculation, but in the subsequent selection of localities, objects of first importance (including the convenience of Government, whether geographically or politically considered), as well as the interests of the agriculturist, may be sacrificed.

The situation which Colonel Wakefield intimates his intention to occupy, as stated in his letter (marked "E"), is in my opinion liable to objections, both from its proximity to Wellington, to which it is liable to become a rival in trade, and from the imperfection of its harbour. But as it happens to be included within the special grant conceded by your Lordship to the Company, I do not consider myself justified in offering any interruption to his proceedings.

I have, &c.

(signed) *W. Hobson.*

(A.)

Sir,

Wellington, 10 September 1841.

IN compliance with your desire that I should communicate in writing the course which, in my opinion, it would be most expedient to adopt in selecting a district for settlement by the second colony formed under the New Zealand Company's auspices, I beg to submit the following statement to your Excellency's attention.

By the agreement between the Company and Her Majesty's Government, it was stipulated that the lands to be granted to the Company in respect of Mr. Pennington's award should "be taken in that part of the colony of New Zealand at which their settlement had been formed, and to which they had laid claim in virtue of contracts made by them with the natives or others antecedently to the arrival of Captain Hobson as Her Majesty's Lieutenant-governor of New Zealand."

In

In a letter dated 5 April 1841, the Directors of the New Zealand Company represented to Lord John Russell that this restriction might operate injuriously on the second colony by limiting its range of choice; and they requested permission to exchange a portion of the land to be granted to them pursuant to Mr. Pennington's award, within the limits of their purchases, for any more suitable district which might be found beyond these limits.

Lord John Russell acceded to this application, and he forwarded a despatch to your Excellency, empowering you to sanction any proposal which might be made by the New Zealand Company's agent for the location of the second colony, subject only to two conditions:—

1st. That sufficient reserves should be made for public purposes.

2d. That the "substituted lands must not embrace any part of the future capital of New Zealand," nor lands comprised in the "district which may at any future period be embraced within its suburbs."

It appears, therefore, that your Excellency is at full liberty to select for the purposes of the second colony any part of New Zealand, not in the vicinity of Auckland.

Lord John Russell also called the attention of the directors to a question intimately connected with the prosperity of their settlements, namely, "whether by transferring any considerable part of their future settlements from the immediate neighbourhood of Port Nicholson, they might not give to the persons who had settled under their guidance at or near that place some plausible ground to impute to them a breach of faith, as the tendency of the change must apparently be to abstract from the vicinity of Port Nicholson labourers who have been, or who may hereafter be sent thither at the Company's expense."

It is obvious that the same caution must be exercised for the protection of the second settlement, as for Port Nicholson, and that some district ought, if possible, to be found for the second colony, where the abstraction of labourers from it also is not to be apprehended.

The despatches I have received from the court of directors are in entire accordance with the friendly spirit exhibited by Her Majesty's Government, and not a doubt appears to have existed in the minds of the directors, that in the selection of a district for the second colony, your Excellency would be guided solely, and without reference to any other consideration, by a desire to promote the prosperity of the new undertaking. It was at the express desire of the directors that your Excellency was instructed to use your unfettered discretion in the matter.

I now therefore apply to your Excellency to point out a district suitable for the second colony, bearing in mind that at least 200,000 acres of land, and a port capable of accommodating safely vessels of large size, must be procured, if they exist in any part of the islands of New Zealand; also that in compliance with Lord John Russell's recommendation, it must not be so near any other settlement as to render the abstraction of labourers easy or probable. On this point my own instructions from the court of directors are very precise and emphatic.

With a view to avoid the imputation of breach of faith to purchasers of land from the Company in respect of a supply of labour, I am directed "to examine the tendency of every proposal with respect to the removal of people from the Company's settlement." This, I am told, is the "test to which I must submit every question as to the choice of land." "For not merely the Company's success, as a promoter of emigration, but its continued existence in that character, depends on the fixing of emigrants in the neighbourhood of the lands, by the sale of which the funds for their emigration shall be provided."

Having thus briefly mentioned the circumstances under which the selection must be made, I proceed to inform your Excellency of the course which I shall be compelled to adopt, in case the district pointed out by your Excellency should in my opinion be unsuitable for the settlement of the second colony. I am at liberty to avail myself of the extension of the range of choice conceded by Lord John Russell, but retain the power of falling back on the original agreement should it unfortunately happen that your decision shall be opposed to my conscientious opinion as to the district needed by the second colony. The directors in that event instruct me to "stand by the old right of choice, and select within the limits pointed out by the agreement." In other words, I shall be obliged to take the best lands and harbour I can find within the territory claimed by the Company, in virtue of my contract with natives and others, made antecedently to your arrival in New Zealand as Lieutenant-governor. I am aware that such a proceeding might be injurious to the general colonization of New Zealand, and I confidently hope that your Excellency's decision will not render it necessary for me to resort to it.

I have, &c.

(signed) *W. Wakefield,*

Principal Agent to the New Zealand Company.

To His Excellency
Governor Hobson, &c. &c. &c.

(B.)

Her Majesty's Colonial Brig Victoria,
Port Nicholson, 11 September 1841.

Sir,

In acknowledging the receipt of your letter of yesterday's date, I have the honour to inform you that I am willing to allow the Company to select any lands for the location of the second colony, which may be at the disposal of the Crown, except only the immediate suburbs of Auckland or Russell, reserving the right of the selection of 10,000 acres, more or less, which it has been decided to grant to Mr. Clendon as compensation for his lands and buildings in Russell.

NEW
ZEALAND.

Until the investigation of the Commissioners is more advanced, the extent of country over which the Government can exercise any control is very limited, and is all situated northward of Auckland, with the exception of a tract of from 30,000 to 40,000 acres adjacent to the capital on the south.

If I rightly comprehend the agreement sanctioned by Her Majesty's Government for the location of the second colony, but 50,000 acres are required in the block, which is to include their principal town. This extent may be had at Maharangi, within the limits of a purchase lately made by the Government.

There are large tracts about the harbour of Wangari, including the port, which may be selected if they are preferred; but I am uninformed of the extent of land which has been alienated from the natives in that immediate vicinity.

Should you, on examination of the ports to the northward, find a suitable situation for your town, it will be in my power to allot to the Company one hundred and fifty thousand (150,000) acres, in the valley of the Thames, or on the banks of the Waipa, both of which are celebrated agricultural districts, enjoying good river navigation, and are placed at my disposal by the native chiefs.

With the exception of the information derived from you, I am not yet in possession of any instructions on the subject of the second colony, but being desirous to promote the object of the Company, I hesitate not a moment to act on the authority of the copy of Lord John Russell's letter, which you were good enough to place in my hands.

If it is from that document you draw your conclusion that "I am to be guided solely, and without reference to any other consideration, by a desire to promote the prosperity of the new undertaking," I own I cannot coincide in your deduction. It is clear, however, that his Lordship is sincerely desirous to advance the measure, and it shall be my study to forward his views; but with a due regard to all other interests which may be involved.

I shall be happy to learn on my return from Akaroa the course you mean to adopt, that I may take early measures for the completion of the purchase of the land in the valley of the Thames or on the Waipa, if either should be required by you.

I have, &c.

W. Wakefield, Esq.
Principal Agent of the New Zealand Company.

(signed) W. Hobson, Governor.

(C.)

Sir,

Wellington, 25 September 1841.

In reference to our conversation of this morning, relative to the location of the second colony to be established by the New Zealand Company, I beg to offer a few remarks in writing.

You will learn by the accompanying correspondence between Mr. Duppa and the secretary of the Company the nature and extent of the proposed settlement, and will perceive the impossibility of fulfilling the conditions undertaken by the Company by an acceptance of your proposal of Maharangi as the site of the projected town.

I understood you to admit that it was insufficient for the purpose, and to state that the proximity to the capital of the only districts at the disposal of the Government would evidently be prejudicial to any town which might be established thereabouts. Independently of an unequal competition with the capital, the risk of the removal of emigrants, sent out at the expense and for the benefit of the purchasers of land from the Company, would be alone sufficient to preclude me from placing them in those districts. The delay incurred in the examination would therefore be useless.

I proceed to the objections your Excellency made to grant a choice of a site in the Middle Island. That island, it is admitted, is British territory by right of discovery. You however declare it not yet disposable for settlement, in consequence of its not having been purchased from the natives. The Company propose to proceed to the purchase of any selected district, with the co-operation of the Local Government, and to defray its expenses. To your objection that it is not yet time to colonise the Middle Island, I submit as a means of so doing with ease and advantage to the Crown, the available expenditure by the Company of two hundred and fifty thousand pounds, (250,000 £.) in the establishment of a centre of future operations.

No objections appear to exist on the score of European titles, which are disposed of by Government regulations, and the natives, it is well known, have repeatedly alienated their possessions to various claimants.

The sanction of the place of the second colony by Lord John Russell, and the absence of any restrictions as to the Middle Island, gave the Company every reason to believe that it was open to settlement, and the purchasers of land were so given to understand.

Your Excellency's refusal to give the Company the choice of the best district in the Middle Island will not prevent the dispersion of the settlements, as they will be obliged to fall back upon the right of selecting out of the territory acquired from the natives previous to your arrival; the want of tracts of pasturage, which would vary the occupation and interests of the second colonists from those of Wellington, and instead of tending to its prejudice would not only aid it, but would be of assistance to the whole of the Northern Island, at present dependent upon the neighbouring colonies for stock, must be severely felt.

It remains to me now only to impress upon your Excellency the disappointment which will be felt by a respectable body of settlers, should they find that an inferior site has been fixed upon from the want of a more extended choice, and that the only objection to obtaining that choice was the necessary process of purchase from the natives, a process which the Company contemplated in almost any case; and to repeat my urgent request that you will

be

be pleased to reconsider your objections, and permit the agents of the Company, upon their own responsibility, to select the position of the intended settlement, subject only to the two conditions imposed by Lord John Russell.

His Excellency Governor Hobson,
&c. &c. &c.

I have, &c.
(signed) *Arthur Wakefield*,
Agent of the New Zealand Company.

(D.)

Her Majesty's Colonial Brig Victoria, Port Nicholson,
27 September 1841.

Sir,

In reply to your letter of yesterday's date, I beg to recapitulate in substance my grounds for declining to appropriate lands, over which the Crown beyond its sovereign rights, at present holds no control.

The lands you allude to in the island of New Munster, as desirable for the settlement of the second colony, I assume to be those situated between Port Cooper and Otago, probably including Banks' Peninsula. That territory, you are aware, is claimed by various individuals who profess to have purchased it from the aborigines, amongst whom are the French or Nanto-Bordelaise Company; whilst the natives insist that a considerable part of their right to it is still unalienated.

In this position of the case it would, in fact, be a most unwarrantable and wanton exercise of power, were I, on behalf of the Crown, to appropriate these lands until the claims of the purchasers, or alleged purchasers, have been adjudicated by the Commissioners, and the native rights, if they retain any, have been fully established. It may be objected, that I have in another instance departed from this rule, by guaranteeing against all European claimants, the rights of settlers located by the New Zealand Company on the lands of Port Nicholson, Wanganui, and Taranaki. But this course I defend on the score of expediency, as the only means open to me of restoring confidence to the occupiers of land, who purchased from the New Zealand Company under an implied assurance that the Company's title was clear and undisputed, while there are at present numerous conflicting claims pending the decision of the commissioners.

It is not my intention, however, to allow this procedure to be drawn into precedent, and certainly not, in any instance to be adopted for the advantage or convenience of any persons who are not already occupants of the soil, or to whom the land has not been appropriated under the sanction of Her Majesty's Government either positive or implied.

In the second paragraph of your letter you state that you understood me to admit that the situation of Maoranghi was insufficient for the purposes of the Company, and that its proximity to the capital would operate to the prejudice of any town there established.

In my letter to Colonel Wakefield of the 11th instant, I stated the tract of land at and about Maoranghi to contain about fifty thousand acres (50,000 acres) more or less. This estimate the surveyor-general assures me is underrated by at least one-half, and 30,000 acres may be added to its northern boundary, if required, from lands which will revert to the Crown under the land regulations.

To this tract, if you accept it, may be added as much land in the valley of the Thames, as will complete the quantity required to meet the Company's engagement.

Referring to the observations which passed in conversation respecting the site of a town, I certainly admitted that the proximity of the capital would, by comparison, be unfavourable to the Company's town; but I am not at all clear that its real value would suffer by that circumstance. The expediency of placing two large towns so closely together is, I know, questionable, but this is a consequence we cannot guard against, while the Company continues to sell towns in England which are beyond the actual wants of the colony, and are used merely as a means of carrying on gambling and speculations by persons who never dream of becoming colonists.

In consequence of the quotation you made of the opinion of the surveyor-general relative to the extent of land at Maoranghi, I have obtained in writing from that gentleman his statement, which I have the honour to forward herewith, and which you will perceive does not exactly accord with the view you took of it "that there was not space there to lay out such a town as you require."

In the following paragraph I think you misapply the term "that I refuse to give to the Company the choice of the best situation in the Southern Island." I certainly decline granting it, because I consider it not at present at my disposal, and if the settlers about to arrive should feel disappointed in the selection of land you may make, either from the former settlement of the Company, or from that which I am enabled to offer, I hold myself perfectly irresponsible for the consequences. As you referred in conversation to the probability of your fixing on Blind Bay as the port for the second colony, I think it necessary to apprise you that the lands at that place and its vicinity are extensively claimed by persons who date their native titles prior to Colonel Wakefield's arrival in 1839. Without prejudging the case I cannot say how far these counter-claims may affect those advanced by the Company; but I state this circumstance to guard against any inconvenience which may hereafter arise, should the title of the Company not prove valid.

I have, &c.

Captain Arthur Wakefield, R. N.
&c. &c. &c.

(signed) *W. Hobson*, Governor.

NEW
ZEALAND.

MEMORANDUM for his Excellency the Governor.

My observations to Colonel Wakefield respecting Mahurangi, were made in discussing the relative merits of that place and of the valley of the Thames, and were merely comparative. Colonel Wakefield must have misunderstood me if he supposed that I said there was not space to lay out a town at Mahurangi, an observation which would have been not merely contrary to fact, but opposed to my own opinion as recorded in my former Report to your Excellency. My observation was this, that if the Company were bound to lay out a town of 1,200 acres, so large a space could not be devoted to that purpose, without encroaching on the pine cleared from lands which would be far more valuable for cultivation. On the contrary (I observed) at the Thames, I am of opinion that sufficient space will be found for a town on the flat at the mouth of that river, and which may be extended without interfering with the cultivation lands, which would be found higher up the river. I am certainly of opinion that for a large settlement with a prospect of a numerous and rapidly increasing population, the valley the Thames affords greater scope and capability, the land being all immediately available without exposing the settlers to a large outlay of capital in clearing before he can commence operations. But Mahurangi is admirably adapted for a smaller settlement, and one in which the concentration of the population was not a matter of much importance. There are few situations in which a town might be laid out to greater advantage, if its natural capabilities are appreciated and made use of, and provided the design be not too extensive, than the spot at the falls of the Mahurangi river, which, in my Report before mentioned, I recommended should be reserved for that purpose. This is the substance of the opinion which I advanced in my casual conversation with Colonel Wakefield on the subject.

(signed) *Felton Mathew*, Surveyor-General.

26th September 1841.

(E.)

Sir,

Wellington, 27 September 1841.

IN obedience to the wish expressed in your Excellency's letter to me of the 11th instant, to learn the course I intended to adopt with respect to the second colony of the New Zealand Company, I have the honour to acquaint you with the decision upon which, in conformity with the instructions I have received from the Court of Directors, I propose to act, and the grounds of the opinions which have led to that decision.

The proposition, in reply to the application I made to your Excellency on the 10th instant, to point out a suitable district for the second colony, and your communication of this day's date to Captain Wakefield, in answer to his representations on the same point, leaves me no alternative but to seek the best location for the body of emigrants shortly to be expected in this part of New Zealand, pointed out in the agreement between Her Majesty's Government and the Company, for the seat of their future settlements.

I can add nothing to the reasons I have already submitted to your Excellency, in my letter above referred to, for so placing the second colony as to preclude the probability of the removal of population to other settlements, in accordance with the faith pledged by the Company to the persons who have settled under its guidance, since, as I then represented, the very existence of the Company as a promoter of emigration depends on their observance of that principle.

Being intimately convinced of the importance of that principle, it would be needlessly trespassing on your Excellency's time to refer to the relative merits and capabilities of the districts proposed for the second settlement; neither would it lead to any end were I to defend the validity of the Company's title to land, or to question the probability of the admission of the claims (limited as they are) of the Nanto-Bordelaise Company, in opposition to your Excellency's proclamation, declaring the Southern Island to be British territory by virtue of Captain Cook's discovery.

With reference, however, to your Excellency's allusion to the Company's selling towns in England, which are beyond the actual wants of the colony, and are merely used as a means of carrying on gambling speculations by persons who never dream of becoming colonists, I venture to vindicate the intentions of the gentlemen who compose the directors of the Company, by observing, that if they had only mercenary views, and were not actuated by the desire they have always evinced to carry out the principles of colonization which they have put forward in reference to this country since 1837, and which they believe to be best adapted to the peculiar circumstances and configuration of the islands, they would, by taking advantage of the present feelings of the public, be enabled to realise much larger profits by indiscriminate sales of land, than they can ever hope to make for the shareholders and purchasers by a systematic and judicious location of emigrants in the most appropriate spots.

Under the circumstances of your Excellency's declining to grant the Company the choice of situations in the southern island, and of my sincere belief that the placing the expected settlers in the immediate neighbourhood of an already established settlement, would lead to the disastrous results contemplated by the directors, I have directed Captain Wakefield

to

to proceed to the selection of the most suitable location in that part of the island to which the Company lays a claim.

The best information we can collect points out Blind Bay as possessing the harbour and district most available for the purpose. I believe it to be inferior to some others of the choice, amongst which your Excellency's decision deprives us.

In conclusion, I beg to assure your Excellency, that fully sensible of the great responsibility and important trust which devolve on you, and desirous, by my humble co-operation in the work of settling this country with advantage to the British nation, to maintain to the utmost of my power the dignity of the Crown and its representative, nothing but an imperative sense of duty and obedience to my employers, and those who are guided by them, would have prevented me from adopting your Excellency's views on this as on other occasions, without qualification or reserve.

Claiming only from your Excellency's justice due allowance for a conscientious difference of opinion, and your protection for our fellow-subjects destined for the proposed settlement,

I have, &c.

His Excellency Governor Hobson,
&c. &c. &c.

(signed) *W. Wakefield*,
Principal Agent New Zealand Company.

— No. 50. —

(No. 41/23.)

COPY of a DESPATCH from Governor *Hobson* to the Principal Secretary of State for the Colonies.

Government House, Auckland, New Ulster,
20 October 1841.

My Lord,

REFERRING to my despatch, No 41/11, wherein I expressed my intention of visiting Port Nicholson, and the southern districts of this colony, I have the honour to acquaint your Lordship that on the 11th instant I returned to Auckland, having completed my proposed tour, the result of which has been most satisfactory both to the European and native population.

On my arrival at Port Nicholson I found one portion of the community in a great ferment, agitated and excited by a venal press, and by a few discontented spirits, who, when they fairly brought their case before me, found they had no sufficient grounds for complaint, and that they had been anticipated in almost every measure they sought, by the previous provisions of the local government.

On Monday, the 30th of August, a deputation, consisting of 30 or 40 persons, headed by Dr. Evans, Mr. Hanson, and Mr. Earp, waited on me, for the ostensible purpose of presenting a petition to request the institution of a charter of incorporation for their town; and for affording the colonists, at a distance from the capital, the means of self-government, and the prompt administration of justice.

All these measures, as I have already reported to your Lordship, had previously been under the consideration of the Government, and only awaited the meeting of the Legislative Council to be legally provided for. The disaffected portion of the meeting, finding their principal grievances so promptly met and redressed, endeavoured to introduce many extraneous matters, reflecting on the Government, which were so foreign to the purpose for which the interview was granted, that I took an early opportunity of dismissing the meeting.

It is with much pleasure I report to your Lordship, that from by far the largest and most influential body of the colonists I received the warmest and most cordial support; and that even those who were opposed to my government, displayed no manifestation of displeasure or disloyalty.

As I have mentioned the names, amongst others, of Mr. Hanson and Mr. Earp, I must, in justice to those gentlemen, observe that they both expressed themselves satisfied with my pledge; and that in a few days subsequent to the meeting, I found them the warmest and most zealous supporters which I had in the community.

Mr. Earp, who had been conspicuous for the violent part he took at a public meeting which was held in May, to petition Her Majesty for my removal, apologised in the most ample manner for the part he took on that occasion, declaring that he acted under a false impression of my character and of my views; and that he greatly regretted, as did many others, both the language

No. 50.
Governor Hobson
to Principal Secretary of State for
the Colonies.
20 October 1841.

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he had used and the course he had adopted. My further knowledge of Mr. Earp satisfied me that he is a gentleman of good sense and education, free and liberal in his opinions; but so devoid of any spirit of faction, that I selected him as a fit person to serve in the Legislative Council, to which I appointed him, by placing his name at the head of the list of magistrates, *vice* that of Colonel Wakefield, who declined the office, lest it should interfere with his duty as agent for the Company.

During my stay at Port Nicholson several questions were proposed to me, chiefly of a commercial nature, which I will have the honour to report in a subsequent despatch.

The native chiefs of the district called on me, and expressed the greatest confidence in Her Majesty's Government, and their willingness to comply with every order I might give them; but they all demanded protection from the encroachments of the Company, who, they asserted, had most unscrupulously appropriated their lands.

I shall have the honour to transmit to your Lordship the Report of the Protector of Aborigines, with some observations, which will form the subject of another letter.

I have, &c.
(signed) *W. Hobson.*

No. 51.
Lord Stanley to
Governor Hobson,
24 June 1842.

— No. 51. —

(No. 51.)

COPY of a DESPATCH from Lord *Stanley* to Governor *Hobson*.

Sir,

Downing-street, 24 June 1842.

I HAVE had under my consideration your despatches of the numbers and dates mentioned in the margin; and, if I have delayed in some measure answering your earlier communications, I have done so, not because I was insensible of the possible disadvantages under which you might labor from the absence of positive instructions, but, because I considered, that still greater inconvenience might result from sending out to you, at so great a distance, instructions founded upon a state of things, which the lapse of a short time might materially alter. Experience has happily confirmed my anticipations, that personal explanations would tend in great measure to allay the irritation which existed among the inhabitants of Port Nicholson when they transmitted the petition for your recall, which accompanied your despatch of the 5th August, and I am happy to find from your despatch of the 20th October, written after your return from that settlement, that the body of the inhabitants, including some who had strongly censured your conduct, appeared satisfied with the arrangements which you had made, by the advice of your council, for the administration of their local affairs.

This being the case, I deem it unnecessary to enter upon a consideration of the petition which was then presented, further than to say, that I consider the answer contained in your despatch of the 5th of August, to the charges brought against you, sufficient and satisfactory, with the single exception of the complaint made in relation to your abduction of labourers from Port Nicholson to Auckland. On this point I cannot disguise from you my opinion, that, in offering a free passage to Auckland to mechanics who had been introduced into the Company's settlement at their expense, you judged erroneously. To have accepted from such persons a spontaneous tender of service would have been unobjectionable; but I think that the public funds at your disposal were not properly applied, and that your authority as Governor was not judiciously exerted, in raising inducements to move those persons to quit the service in which they had originally engaged. At the same time I freely acknowledge, that the necessity for procuring labourers for the public works at Auckland was urgent, and that the difficulties under which you were labouring on that subject were such as greatly to extenuate any error of judgment into which you may have fallen in the effort to encounter and subdue them.

I am fully aware of the arduous nature of the service in which you are engaged, and of the embarrassments in which your peculiar position must frequently involve you, and I trust that you will require no assurance from me

to

Separate,
5 Aug. 1841.
27 Sept. 1841.
No. 23.
20 Oct. 1841.

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to convince you, that I am, and shall always be, prompt to make all the allowances to which under such circumstances you have a fair and reasonable claim.

In reference to your selection of Auckland in preference to Port Nicholson as the site of the future capital of New Zealand, I am happy to acknowledge that the grounds on which you proceeded appear to me satisfactory.

On a subject so peculiarly local, and to the right understanding of which so much exact topographical knowledge is essential, my opinions must of course be guided by the comparison of the statements transmitted to me, and by balancing the weight of conflicting authorities. Approaching the question in that manner, and unaided by any personal acquaintance with the localities, I have thought that there is such a clear preponderance of motives in favour of your choice as to justify me in advising the Queen to direct that Auckland should be the seat of Government of the new colony; and I have received Her Majesty's commands to acquaint you, that such is Her Majesty's pleasure.

On the other hand you will, I am sure, feel that that decision was certain, from the very causes which entered very largely into its prudence and policy, to produce considerable disappointment on the part of the New Zealand Company, and of those, who, having emigrated under the auspices of that Company, found themselves removed to a great distance from the seat of Government, and thereby subject to inconvenience and privations of which they had anticipated the early removal; and I am persuaded that you will be disposed to make every allowance for feelings of temporary irritation arising from such causes, and for occasional unguarded expressions to which their feelings may give rise.

In reference to your transactions with the Company, you may rely at all times on my firm and full support of your authority as Governor, against any exaggerated pretensions on the part of the Company or its agents. I have already informed the directors that if they desire their agent's representations to be attended to, it is necessary that they should be transmitted in the usual manner through you, and accompanied by your report, and that the invariable consequence of a deviation from this universal rule will be, that they will be subjected to the inconvenience and delay attendant upon a reference back to the colony for your report.

On the other hand, I have to impress upon you the propriety, on all occasions, of treating the Company, their agents and their settlers, with the utmost consideration and courtesy; co-operating with them to the best of your ability in carrying on their operations, so far as you can do so consistently with the interests of others whom you are bound to protect, and affording them every reasonable facility and encouragement; and I trust that, relying on my determination on the part of the Government not to suffer any undue assumption or encroachment upon your authority by their agents or any other persons, you will be especially careful, not only in substance, but in form and in expression, not to give them any reasonable ground for offence. I make this observation the rather, because in one of your letters addressed to Captain Wakefield, I notice an expression apparently imputing "gambling speculations" to some of the Company's proceedings, which on reconsideration I think you will be of opinion had better have been omitted.

Of the substance of your correspondence with Colonel and Captain Wakefield, in which I find this expression, I entirely approve, and I concur in the policy of avoiding unnecessary dispersion, and of settling the northern island first, upon a regular, and, as far as possible, a systematic plan.

I transmit to you by this mail an Act for regulating in future the sale of land in the Australian colonies, including New Zealand, by which you will be relieved from all uncertainty as to the course to be pursued in this department of your government. On this subject, however, I shall have to address you in a separate despatch.

I also transmit for your information and guidance copies of a correspondence which has taken place between my under secretary and the Governor of the New Zealand Company, by which you will perceive the arrangement which has been made in reference to the second colony established by the Company, and also the relations in which the Company and Her Majesty's Government will hereafter stand to each other.

I am not aware that it is necessary for me to add anything on the subject of those relations, except to say, that in my judgment Colonel Wakefield acted very properly in declining the offer of a seat in the Legislative Council; and that I

*Encl. (D.) in 546.**5 & 6 Vict. c. 36.**New Zealand Com-
pany, 29 Apr. 1842.**Mr. Hope,
21 May 1842.**New Zealand Com-
pany, 10 June 1842.**Mr. Hope,
22 June 1842.**New Zealand Com-
pany, 24 June 1842.*

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wish you to understand that you will not hereafter appoint to any office under the Crown (other than such as local magistrates, &c.) any persons who may be actively engaged as agents for the New Zealand or any other land company, or who may even be extensively concerned as shareholders therein; and this latter restriction you will apply the more strictly in proportion as the office held may be one of more trust, importance, and influence.

I have, &c.
(signed) Stanley.

— No. 52. —

No. 52.
Governor Hobson
to Principal Secretary of State for
the Colonies,
5 November 1841.

(No. 41/24.)

COPY of a DESPATCH from Governor *Hobson* to the Principal Secretary of State for the Colonies.

Government House, Auckland, New Ulster,
5 November 1841.

My Lord,

I HAVE the honour to report that in my recent visit to the southern districts of this colony I called at the Port of Akaroa, where I found the French very peaceably established under the agent who accompanied them from Europe, Mons. Belligny, with the French corvette *L'Aube*, commanded by Captain Lavaud, lying at anchor in the harbour.

In the course of my communications with that officer, he constantly and invariably disclaimed any national intrusion on the part of his government, but he supported the claims of the company as private individuals, asserting theirs to be the only *bonâ fide* purchase of that district which had been made from the natives.

Into the merits of this question I was not prepared to enter, nor was he or the company's agent in a position to show the injustice of the numerous antecedent claims that have been advanced by British subjects. The whole case is therefore involved in the same doubt and difficulty as are the titles of other parties throughout the islands, and can only be determined by a most minute investigation by the Commissioners, to whom, it is clearly understood, the case is to be referred.

The land claimed by the French extends over the whole of Banks' Peninsula, to a considerable distance along the coast both north and south of that point, and to an indefinite limit into the interior; their right to which is founded on a purchase made by the captain of a French whaler named *L'Anglois*, who resold it to the company, which was formed at Nantes and Bourdeaux in 1840, under the title of the Nanto-Bordelaise Company.

The number of emigrants already landed do not exceed 30, including both sexes and all ages, and, with the exception of two or three mechanics, are of the labouring class. But the agent informed me that 500 persons were on the point of embarkation, and were only prevented from proceeding to this colony by Her Majesty's Proclamation of October 1840.

Those who are at present at Akaroa are located on spots of land suited for garden cultivation, from which supplies are obtained for their own use, with some surplus, which they exchange with the captains and crews of whale ships for commodities of absolute utility.

I have the honour to enclose the copy of a correspondence with Captain Lavaud for the regulation of this interchange of articles without fiscal interference. Your Lordship will perceive that in the same communication I accede to a request of Captain Lavaud to support his influence over his countrymen, which he has hitherto exercised with the most beneficial effect to the peace and harmony of the community, and which I propose to continue until the foreign immigrants shall be blended with the general mass of the colonial population. I hope the steps I have adopted in this matter may meet with your Lordship's approval.

In bringing the case of these settlers under your Lordship's notice, I would beg leave most respectfully to submit a suggestion, which occurred to me as best calculated to relieve Her Majesty's Government from any troublesome importunity on behalf of the French Government, or of the Nanto-Bordelaise Company.

Assuming that the claims of the company are substantiated, and that indulgence is due to them for the importation of immigrants, I propose that the same privilege be extended to them as to the New Zealand Company, and that
a block

Capt. Lavaud,
17 Sept.
Governor Hobson,
20 Sept.

a block of land in the extreme northern district of this island, proportioned in extent to their outlay of capital, be allowed them, on condition that they relinquish their present location and all other claims whatsoever in New Zealand.

The advantages I should hope to derive from such an arrangement would, in the first place, be their better government, by removing them to a situation in which they would be brought within the practical control of the Government; and in the second, the encouragement of a species of labour, which they could supply, and which would tend to develop the true resources of the northern districts of New Ulster by the cultivation of the vine, the olive, and the mulberry, for which the climate and the soil are most peculiarly well adapted.

In conversation on this subject with Monsieur Belligny, that gentleman seemed favourable to the project, and promised to propose it to his employers. The only boon he sought for French or German immigrants was a relaxation of the duty on implements of husbandry which French or German peasants are accustomed to use. This indulgence I promised to recommend to your Lordship's consideration, in the event of your approving of my proposition.

Should the Nanto-Bordelaise Company apply to your Lordship on this subject, it may be right to inform you that I held out no hope that Her Majesty's Government would accede to my proposal, having only pledged myself that, if it were approved, I should be prepared to provide 50,000 acres of land to meet the demands of the company, situate within a moderate distance of a convenient seaport.

If your Lordship coincide in my views, and the French company agree to the conditions, an early intimation of your Lordship's pleasure will enable me to secure the land requisite for the reception of the immigrants, which I propose to select in the district of Kaitaia, placed on the map in the thirty-fifth degree of latitude, where there is a good harbour and an abundance of fine land, with an undulating surface well adapted for vineyards.

I have, &c.
(signed) *W. Hobson.*

Enclosure 1, in No. 52.

Excellence,

A bord de L'Aube, le 17 Septembre 1841.

Encl. 1, in No. 52.

Vous avez bien voulu me promettre de donner des ordres à Monsieur Robinson, afin que rien ne soit changé dans les choses établies jusqu'ici à Akaroa, et desquelles nous étions convenus ensemble à la Baie des Iles, jusqu'au moment où je recevrais des nouvelles instructions. Je n'ai encore rien reçu depuis mon arrivée à la Nouvelle Zélande, mais j'ai su à votre arrivée, que la corvette L'Allier, armait à Brest, en Février dernier, pour venir me relever, et m'apporter par conséquence les ordres que j'attends avec la plus grande impatience; ce bâtiment ne peut désormais tarder, et chaque jour je dois le voir paroître.

Je ne doute pas, d'après la note de notre chargé d'affaires à Londres, que vous avez eu la bonté de me communiquer, de la reconnaissance du Gouvernement Français, quant à la souveraineté de l'Angleterre sur ces îles, et c'est un motif de plus pour que j'insiste près de votre Excellence, afin que l'état dans lequel nous sommes aujourd'hui, soit maintenu jusqu'à l'arrivée du bâtiment qui me remplacera dans la protection de la pêche. Ma conduite sur la rade d'Akaroa depuis que j'y suis, a dû assez prouver au Gouvernement de S. M. B. que je n'avais aucune idée attentatoire aux droits de S. M. la Reine de la Grande Bretagne sur la souveraineté, pas plus que d'empêchement, sur les terrains. Aucun acte de ma part n'a eu lieu dans un autre but que celui de maintenir la tranquillité sur le point où je me trouve, et d'éviter des collisions entre nos nationaux. Ce n'est pas sans peine et sans fermeté que j'ai pu jusqu'ici maintenir l'ordre et faire patienter les colons; je leur ai dit que je prenais tout sur moi jusqu'à l'arrivée de nouveaux ordres, et qu'alors je les instruirais positivement de la position dans laquelle ils seraient placés à l'égard du Gouvernement Anglais; mais si, aujourd'hui, peu de jours avant l'instant où ma promesse doit être remplie, quelque chose d'effectif ou d'apparent venait à être fait de la part du Gouvernement de la Reine, mon caractère serait gravement compromis.

Deux points capitaux méritent de prendre place dans les observations que je crois devoir vous adresser. L'un d'eux porte sur les douanes, l'autre sur l'autorité que j'exerce sur mes compatriotes. Cette autorité, jusqu'ici, a été aussi profitable aux intérêts de l'Angleterre qu'aux colons, puisqu'elle n'a servi qu'à maintenir la tranquillité; que j'ai été prié une fois entr'autres, d'intervenir à la demande de Mr. le Magistrat nommé par votre Excellence, dans une lutte engagée entre des Anglais et les constables qui furent repoussés et battus par les premiers; que la corvette que je commande, en accordant sa protection, a maintenu en détention pendant plusieurs jours les malfaiteurs, et qu'enfin depuis l'instant qu'il a été prouvé que L'Aube était aussi une protection pour l'autorité Anglaise, le calme n'a cessé de régner; mais cette influence que j'exerce dans le but du bien, a été sur le point d'être anéantie en Octobre dernier, quand Mr. Robinson m'annonça qu'il allait faire arborer le

pavillon

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pavillon Anglais; sur mes observations il consentit à suspendre, et voici sur quoi je me basais.

Le signe extérieur du pavillon dans l'état des choses, n'ajoute rien aux droits de l'Angleterre, ce pavillon ayant d'ailleurs déjà été arboré et salué par la corvette L'Herald avant mon arrivée. Les proclamations, au nom de la Reine, ont été d'un bien autre effet, ainsi que les actes et la présence d'un magistrat pour assurer la souveraineté; enfin, rien de ma part n'a pu donner le moindre doute aux autorités Anglaises sur la pureté et la loyauté de mes intentions et des engagements pris par moi envers Mr. Le Capitaine Stanley, lorsque j'ai promis qu'aucune arme ou projectile de guerre ne seraient débarqués pour être mis à terre.

Je ne pense pas que M. Robinson revienne sur sa détermination, mais puisque je suis assez heureux pour voir ici votre Excellence, j'ai besoin de lui faire part de ce qui a été sur le point d'avoir lieu, et des conséquences qui s'ensuivraient, si avant l'arrivée de mes instructions pareille idée était mise à exécution.

Si le pavillon Britannique devait être arboré à Akaroa, si peu de jours avant le moment où je dois sans doute recevoir l'ordre de mon gouvernement de reconnaître la souveraineté de l'Angleterre, toute mon autorité sur les colons devrait cesser, je ne pouvais intervenir à terre en aucune manière, pour y maintenir l'ordre et la tranquillité; je me renoncerais dans mes fonctions de capitaine de mon bâtiment, et me regarderais simplement protecteur des sujets de ma nation, en cas de vexations ou déni de justice, comme en tout pays étrangers où il n'y a pas de consul. De cet état de choses, il résulterait de grands maux, et avant peu, soyez en assuré et croyez en l'expérience que me donnent 14 mois de séjour ici, la consternation et le dégoût s'empareraient des colons; plus de travaux; l'ivresse sur tous les points de la colonie, ainsi que le désordre le plus complet. Si, au contraire, vous trouvez bon de prescrire à M. Robinson à attendre l'arrivée de mes instructions, qui assurément ne peuvent manquer d'être conformes à l'esprit de la note de notre chargé d'affaires à Londres, en même temps que vous éviterez de placer la colonie dans la position fâcheuse que j'ai l'honneur de vous montrer, vous me donnerez le plaisir de rendre à votre pavillon, le jour où il sera arboré, les honneurs que lui sont dus, sans qu'aucune commotion puisse avoir lieu, alors que j'informerais les colons, que mon gouvernement ayant reconnu la souveraineté de la Reine, ils doivent, comme moi, se soumettre aux ordres que je reçois.

Quant aux douanes, bien que vous m'ayez assuré verbalement que les bâtimens français seraient traités sur le même pied que ceux de la nation la plus favorisée, je suis certain qu'aucun bâtiment du commerce français ne viendra à Akaroa; les baleiniers n'ont pas le droit de vendre quoique ce soit, n'étant expédiés de France que pour la pêche, sous peine de perdre la prime du gouvernement s'ils se livrent au commerce en cours de campagne; mais il est arrivé cependant que j'ai permis à quelques uns de donner des secours de vêtemens et de la mélasse aux misérables colons, qui ne peuvent trouver que par ce moyen la défaite de leurs denrées, et désormais s'ils étaient soumis à des droits sur ce commerce d'échange, que deviendraient-ils? Déjà ils ont de la peine à vivre; depuis que la compagnie ne doit plus les nourrir, il ne leur resterait que la ressource de quitter le pays et de retourner en France, ce qui, après les frais énormes faits par la compagnie Nanto-Bordelaise pour les porter et les entretenir ici depuis leur arrivée, serait une ruine complète; car elle n'a fait que détourner sans encore avoir reçu un dénier de l'intérêt de ses fonds; et c'est aussi je crois une considération à écarter d'autant moins que ce noyau de population ne profitera par suite qu'à l'Angleterre.

Si après avoir pesé mes raisons, votre Excellence peut voir comme moi, je la prie de donner des instructions dans ce sens à M. Robinson, afin d'éviter toute fausse interprétation; mais, si au contraire, malgré mon espoir, elle ne juge pas convenable d'adhérer à mes observations, dictées sans aucune arrière pensée, et avec une franchise sur laquelle je n'ai jamais donné droit d'élever un doute, je n'aurais, le cas échéant, en protestant contre des actes qui me sembleraient dans l'état actuel, que les choses ne sont pas encore terminées ou venues à ma connaissance, je n'aurais, dis je, qu'à déplorer les conséquences qui pourraient s'ensuivre, quand il eut été si facile de les éviter en maintenant, quelques jours encore, les choses sur le pied sur lequel elles ont été si bien depuis un an; et j'éprouverais de plus particulièrement et personnellement le bien vif chagrin d'avoir vu, à la fin de la mission que je remplis, cesser la bonne intelligence que je me suis appliquée à établir dès mon arrivée, et pour le maintien de laquelle ont été mes soins de chaque jour, bien persuadé que cette prudence avec laquelle j'agissais était dans les vues de mon gouvernement.

Je suis, avec un profond respect de Votre Excellence, le très humble et très obéissant Serviteur, le Capitaine de Corvette, Commandant L'Aube, et la Station dans les Mers de la Nouvelle Zélande.

(signé) C. E. Lavaud.

A Son Excellence Monsieur le Capitaine Hobson,
Gouverneur de la Nouvelle Zélande.

Enclosure 2, in No. 52.

Akaroa.—Her Majesty's Colonial Brig Victoria,
20 September 1841.

Encl. 2, in No. 52.

Sir,

I HAVE the honour to acknowledge the receipt of your letter of the 17th instant, in which you represent the advantage that would result to the colonists, and the convenience that may be derived by the representative of Government, Mr. Robinson, from preserving entire the influence

influence you possess over the French emigrants, who are settled at Akaroa, until some definite arrangement has been made between our Governments respecting the various and conflicting claims to the lands in Banks' Peninsula.

Fully impressed with the extent of your influence over the settlers, and deeply sensible of the benefits which have resulted from the judicious and benevolent manner in which you have hitherto exercised it, I feel that I cannot better discharge my duty than by acceding to your proposal, and by giving countenance and support to measures which have so essentially contributed to the tranquillity of this community.

As under existing circumstances there can arise no question respecting the sovereign rights of Her British Majesty over every part of the colony of New Zealand, I willingly forego the exhibition of any authority that can have a tendency to weaken your influence over the minds of the lower class of settlers; I will not, therefore, display the British flag, or publish any proclamation in this settlement unless some pressing and unforeseen event should render such measures requisite.

In reply to your application respecting the importation of goods for the use of the colonists, I beg to inform you that, as Akaroa is unprovided with any establishment of customs, no vessel can be unladen without being first reported at the nearest port of entry, where duties must be paid.

Under the present state of things, however, and to provide for the pressing wants of the settlers, I shall have no objection to allow small supplies to be landed for their use from whale-ships and other vessels casually calling. But it must be distinctly understood that nothing in this concession shall be construed to permit the importation of any spirituous liquors or wines.

I beg leave, in conclusion, to avail myself of this opportunity of returning you my grateful acknowledgment for the prompt and ready assistance you have frequently afforded to Mr. Robinson in suppressing riots which would have exceeded his means to subdue without such support; and I cannot too fully express my thanks for the hospitalities and civilities you have shown to Mr. Robinson and to all British subjects since your arrival in this port.

With high personal consideration and cordial esteem,

A Monsieur Lavaud,
le Capitaine de Corvette, commandant L'Aube,
et la Station dans les Mers de la
Nouvelle Zélande.

I have, &c.
(signed) *W. Hobson.*

— No. 53. —

COPY of a LETTER from *J. Stephen, Esq.* to *H. U. Addington, Esq.*

Sir,

Downing-street, 14 July 1842.

WITH reference to former correspondence, relative to the titles to property of French subjects in New Zealand, I am directed by Lord Stanley to transmit to you, for the consideration of the Earl of Aberdeen, the enclosed copy of a despatch from Governor Hobson, containing a report on the state of the French settlement formed on Banks's Peninsula in the Southern Island, and stating the arrangement by which he proposes to effect the removal of the settlers from thence to the Northern Island. Having referred that despatch to the Colonial Land and Emigration Commissioners, Lord Stanley directs me to transmit to you a copy of their Report. I also transmit for the information of the Earl of Aberdeen, a copy of the address of Governor Hobson to the Legislative Council of New Zealand, with reference to the general settlement of claims to land in those islands.

It appears to Lord Stanley that the French Company should be dealt with on the same principle as if they had been a British company, and that they should be invited as a preliminary step to prove the extent of their claims, with an intimation that their claims to such extent should be allowed in the Northern Island, and that no difficulties should be thrown in the way of their naturalization. In the meantime Lord Stanley would propose, if Lord Aberdeen should approve it, that the enclosed correspondence should be communicated for the information of the French Government.

I am, &c.
(signed) *Jas. Stephen.*

No. 53.
J. Stephen, Esq. to
H. U. Addington,
Esq.
14 July 1842.

No. 24.
5 November 1841.

24 June 1842.
No. 42.
16 December 1841.
See page 197.

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Encl. in No. 53.

Enclosure in No. 53.

Colonial Land and Emigration Office,
9 Park-street, Westminster, 24 June 1842.

Sir,

WE have the honour to acknowledge the receipt of your letter of the 31st ultimo, transmitting to us the copy of a despatch with enclosures from the Governor of New Zealand, relative to a French settlement on Banks's Peninsula, and to the arrangement by which he proposes to effect the removal of the colonists to a northern district in New Ulster.

We have the honour to state for Lord Stanley's information, that the facts connected with this settlement, so far as we can collect them from the papers now transmitted to us, appear to be as follows:—

A company was formed in France in the year 1840, apparently for the object of colonizing New Zealand. They are stated to have purchased a large district, comprising the whole of Banks's Peninsula, and extending along the coast both north and south of the Peninsula. This purchase was made from the captain of a French whaler, who professed to have bought the land from the natives. It is not stated whether the company has again sold to individuals, as is usual with companies in this country, any portion of the territory thus acquired; but they appear to have sent out some mechanics and labourers, amounting to the number of 30, including women and children; and these persons, together with the agent who accompanied them, Governor Hobson, in visiting the southern district of the colony, found established at the port of Akaroa. The agent informed the Governor that 500 more persons had been on the point of embarking for the colony, but were deterred by Her Majesty's Proclamation of October 1840, asserting the sovereignty of Great Britain over the whole of the Islands. We should presume from the tenor of the papers, that Governor Hobson must have anticipated that the operations of the company in establishing their countrymen in the colony would not stop with the introduction of this small number of emigrants, but would be renewed on a scale of considerable magnitude. He is anxious that the settlement should not be permanently formed at Banks's Peninsula, which is a spot far distant from the seat of Government, and from the districts which he wishes to be first inhabited and cultivated. He proposes therefore that the company should first prove before the Commissioner of Claims their title to the particular land they claim, which is apparently much disputed, and then that the privileges granted to the New Zealand Company of this country should be extended to them, and that land in a district of the Northern Island, to be named by him, should be assigned to them in the established proportion to their outlay in colonizing the country. This arrangement was suggested to the company's agent in the colony, who received it favourably, and promised to propose it to his employers, and the Governor pledged himself that if it were sanctioned in this country he would meet the demands of the company by providing 50,000 acres of land situated within a moderate distance of a convenient sea port. He apparently expects that the French company, should they adopt the views of their agent, will have made a direct application to the British Government to be allowed this method of adjusting their claims, and he accordingly recommends the project to the approval of the Secretary of State.

In considering the arrangement which it is thus proposed to make with the company, we are struck with the apparent disproportion between the amount of land which the Governor would pledge himself to set apart for the satisfaction of their claims, implying an expenditure on their part of more than 12,000 *l.*, and the actual amount of the outlay which from the papers before us it could be inferred had been made. We find no other items of expenditure referred to, than for the purchase of the land from the captain of a whaling vessel, for which it is improbable that a very large sum was given, and for the conveyance of 30 emigrants, consisting of children and adults. If then the allowance of land to be granted to the company is to bear the proportion to their outlay which was fixed upon in the case of the New Zealand Company, and if the expenditure included in the estimate be such only as was incurred previous to the date of the agreement between the Governor and the company, it is probable that the amount of land awarded to the company would be comparatively insignificant. If, on the other hand, it was intended to include in the estimate any expenditure of the company subsequent to the date of that agreement, and still more any future expenditure, the arrangement would appear to be different from that which was made with the New Zealand Company, and would confer upon a foreign company a special privilege and advantage over all British subjects, besides being open to a variety of other objections. We would further remark, that very great difficulty as well as expense would probably attend the examination of the accounts and vouchers of a company resident in France, on the same principles on which those of the New Zealand Company in this country have been inspected, and that a result which should be satisfactory at once to the Government and the company could hardly be expected. The French company however have, we believe, made no communication of their wishes to Her Majesty's Government, nor stated how far the proposed arrangement is acceptable to them, and what probable amount of expenditure they would be enabled to prove. If the amount were as small as there seems reason to suppose, the matter might perhaps admit of arrangement by a composition, which in that case could be offered on a liberal scale. The first step however which should be required of the company on the spot, is that which the Governor says they are quite prepared to take; viz. to prove their title to the land they claim before the Commissioner of Claims. Should they succeed in proving it, we think that, considering that the operations

operations of the company had commenced previously to the declaration of British sovereignty over the islands, it would be right at once to offer to naturalize all those who had been sent out by the company, as well as any trustees or agents whom the company might appoint as their representatives for holding the land which might be awarded to them, and to admit them, as Governor Hobson proposes, to the same advantages, and subject them to the same rules as all British subjects in the adjustment of their claims to land. The next step would be to decide what amount of expenditure they might be allowed credit for; and the Governor would be able under the law which has doubtless passed the Legislative Council, to assign to them such quantity of land as they may have been thus declared entitled to, in that portion of the surveyed districts which may have been set apart for the satisfaction of claims arising in the Southern Island.

Such are the only views that, in the imperfect information at present possessed, we are enabled to offer on the question of the mode of dealing with any claims which the French company may be enabled to advance. We have made no allusion to the topics discussed in the correspondence between the Governor and the captain of the French corvette at Akaroa, as they relate to matters which are beyond our province; nor, for the same reason, to the promise held out by the Governor to the agent of the French company to recommend to the Secretary of State a relaxation of the duty on implements of husbandry which French or German peasants are accustomed to use.

James Stephen, Esq.
&c. &c. &c.

We have &c.,
(signed) *T. Fred. Elliot.*
Edward E. Villiers.

— No. 54. —

COPY of a LETTER from *H. U. Addington*, Esq. to *J. Stephen*, Esq.

No. 54.
H. U. Addington,
Esq. to *J. Stephen*,
Esq.
30 July 1842.

Sir,

Foreign Office, 30 July 1842.

I AM directed by the Earl of Aberdeen to acknowledge the receipt of your letter of the 14th instant, enclosing copies of a despatch, and its enclosures, from the Governor of New Zealand, and of a letter from the Colonial Land and Emigration Committee, relative to the claims of the French settlers at Banks' Peninsula, and to the proposed removal of those settlers to the Northern Island.

I am at the same time to state to you, for the information of Lord Stanley, that Lord Aberdeen concurs in opinion with his Lordship, as to the propriety of the course which it is proposed in your letter above mentioned to adopt with respect to those settlers, and also in the expediency of communicating the correspondence contained in your letter to the French Government; and I am directed to enclose to you a copy of a despatch upon the subject, which has accordingly been addressed to Her Majesty's Ambassador at Paris.

I also enclose to you a copy of a letter relative to the French settlers at New Zealand, which was addressed to the French Charge d'Affaires at this court, in reply to his letter of the 17th of February 1841, of which a copy was transmitted to the Colonial Office by this department on the 26th of February 1841.

I am, &c.
(signed) *H. U. Addington.*

To Lord Cowley,
No. 111.
28 July 1842.
To
M. de Bourqueney,
27 March 1841.

Enclosure 1, in No 54.

Monsieur le Baron,

Foreign Office, 27 March 1841.

Encl. 1, in No. 54.

WITH reference to my letter of the 26th ultimo, in which I had the honour to acknowledge the receipt of your letter of the 17th ultimo, requesting information as to the intentions of Her Majesty's Government with respect to French subjects residing in New Zealand, who hold titles to property in those islands, I now beg leave to inform you, that I have received from the Secretary of State for the Colonial Department a communication upon this subject, which enables me to make the following reply to your inquiry.

The object of Her Majesty's Government is to ascertain and confirm titles to land already acquired in New Zealand; but in the course of the investigation there may arise claims so extravagant in their extent, and so frivolous in their origin, that it would be unjust to the New Zealanders, as well as to Europeans, to decide at once that all claims, founded upon past transactions, should be admitted without inquiry, and, therefore, a Commission has been appointed to investigate such claims. Her Majesty's Government trust, however, that the decisions of their Commissioner, who will shortly proceed to the colony upon this

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service, will be such as to prevent any complaint on the part of the French settlers, whom it will be the duty of the British Government to protect in their lawful possessions and useful occupations.

The Baron de Bourqueney.

I am, &c.
(signed) *Palmerston.*

Encl. 2, in No. 54.

Enclosure 2, in No 54.

(No. 111.)

My Lord,

Foreign Office, 28 July 1842.

From Capt. Hobson,
5 November 1841.

2 June 1842.

Capt. Hobson.
16 December 1841.

WITH reference to your despatch (No. 188) of the 10th ultimo, I transmit to you a copy of a despatch from the Governor of New Zealand to the Secretary of State for the Colonies, containing a Report on the French settlement formed on Banks' Peninsula, in the Southern Island, and stating the arrangement by which he proposes to effect the removal of the settlers from thence to the Northern Island. I also enclose to you a copy of a Report of the Colonial Land and Emigration Commissioners upon the contents of Governor Hobson's despatch abovementioned; and a copy of the address of Governor Hobson to the Legislative Council of New Zealand, with reference to the general settlement of claims to land in those islands.

Your Excellency will communicate this correspondence to the French Minister for Foreign Affairs; and you will state to him that Her Majesty's Government propose to deal with the company connected with the French settlers in New Zealand on the same principle as if they had been a British company, and to invite them, as a preliminary step, to prove the extent of their claims, with an intimation that their claims, when proved to be just, will be allowed in the Northern Island, and that no difficulties will be thrown in the way of their naturalization.

From
M. de Bourqueney.
17 Feb. 1841.

To
27 March 1841.

I also enclose to your Excellency, for your information, copies of a note from the Baron de Bourqueney, of 17th February 1841, and of the answer of my predecessor, having reference to the subject to which this despatch relates.

His Excellency the Lord Cowley.

I am, &c.
(signed) *Aberdeen.*

No. 55.
Governor Hobson
to the Principal
Secretary of State
for the Colonies.
13 Nov. 1841.

— No. 55. —

(No. 41/29.)

COPY of a DESPATCH from Governor *Hobson* to the Principal Secretary of State for the Colonies.

Government House, Auckland, New Ulster,
13 November 1841.

My Lord,

No. 1.

I HAVE the honour to lay before your Lordship the Report of George Clarke, Esq. Chief Protector of Aborigines, on the state of feeling evinced by the native chiefs in and about Port Nicholson, respecting the occupation of lands in that neighbourhood by the New Zealand Company.

From the conflicting and various statements and contradictions which are advanced on this subject, I find it impossible to arrive at any definite conclusion. Nor ought any decision to be come to, until the case is fairly weighed and considered by the commissioner who is appointed to investigate these claims.

To avert, however, the mischievous consequences that would result from any collision between the settlers and the natives, I thought it right to hear the complaints of the natives against the encroachments of the Company; and to pledge the Government to protect the aborigines in the possession of their pas and cultivated grounds, unless it is proved that they have sold them.

According to Mr. Clarke's experience, there is no instance of natives selling their dwelling-places, or cultivated lands, except when they quit the spot on which they are situated; and I certainly have found that to be the custom in every case that has come under my own observation.

At Port Nicholson there are two pas, situated in the most eligible parts of the town, which the agent of the Company has included in the block he purchased from a chief named Warepourī, although they are owned and occupied by other chiefs. The agent of the Company asserts, however, that these other chiefs shared in the payment for the land, and consequently alienated their rights. This the natives most pertinaciously deny; and Mr. Clarke maintains that

that such a proceeding would be completely at variance with native custom, as the two tribes have continued to reside on their pas ever since. The agent for the Company, I suppose, calculating on getting possession has, notwithstanding the native claims, included these pas in the disposable land, and has allowed them to be selected by purchasers. This very dubious step may involve the Company in great embarrassment and litigation, as against any compulsion the natives shall be amply protected by the Government, and they seem perfectly resolute in resisting all offers of compensation.

In other places I fear it will be found that the precipitancy of the Company's agent will involve the Company and the settlers in still greater difficulties: resistance is offered to them in every quarter. At Pororua, which immediately adjoins Wellington, the natives deny the right of the Company, and are prepared to resist them even by force. On the east bank of the Wanganui the same feeling exists; and at Taranaki the powerful tribe of the Waikatos threaten to dislodge the settlers, as they did not buy the land from them, who claim it in right of conquest.

During my stay at Port Nicholson I had an opportunity of meeting many of the resisting chiefs. Those residing in the town of Wellington, who feel that they are completely at the mercy of the white people, rely solely on the Government for support, and say, "If the Governor desert us, we will retire to our original place of residence at Taranaki."

The natives of Kapiti, who claim the land at Parorua, speak out more boldly, asserting that they will surrender their lands but with their lives; and they have already made a show of following up this determination, by interrupting the construction of a road through the disputed lands, and obstructing the communication between Wellington and Wanganui, by tapuing a river over which it was necessary to pass.

On these latter subjects I informed the principal chief, Hiko, that the right of constructing roads through the colony belonged to The Queen; and that, whilst I faithfully supported the natives in their just rights, I would as firmly maintain those of Her Majesty; and that I trusted I should hear no more of such resistance to measures which were intended alike for the benefit of the native and European population. He received this hint with perfect good feeling, and promised that in future no interruption should be offered.

His discussion with Colonel Wakefield respecting his land is fully reported by Mr. Clarke; and, I must say, it left an impression on my mind that he has not sold it.

The natives of Wanganui have followed a very similar course with those of Parorua, as will be seen from the enclosed extract of the police magistrate's report. I have reason, however, to hope that a payment of money will induce these people to forego any further opposition; and the principal chief of the Waikato tribe, Te-where-where, has already consented to accept compensation, to the value of two hundred and fifty pounds (250*l.*), for the claims of his tribe on the lands of Taranaki.

I have communicated to Colonel Wakefield that the native pas and cultivations must be respected; and that for the rest, it might be necessary to make further payments to remove all difficulties.

I trust this course will have the effect of preserving harmony between the settlers and the natives.

I have, &c.
(signed) *W. Hobson.*

No. 2.

Enclosure 1, in No. 55.

The Chief Protector's Report of a Visit to *Port Nicholson*.

HAVING been directed by his Excellency to accompany him in Her Majesty's Brig Victoria to Port Nicholson, I embarked on the 8th of August, and arrived at Port Nicholson with his Excellency and other officers on the 19th of the same month, when we were visited by some of the native chiefs of the place, who had (as I afterwards learned) been anxiously awaiting the arrival of the Governor, expecting they should be protected from the encroachments of the New Zealand Company on their lands, which they declared had never been alienated.

Encl. 1, in No. 55.

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On landing at Barrets' Hotel, a number of other chiefs presented themselves to his Excellency the Governor, and after noticing some little occurrences that had lately taken place between them and the white population, they commenced upon the all-absorbing question of their lands, and on his Excellency assuring them that every attention should be paid to the subject, consistent with equity to all parties, they left him perfectly satisfied.

I visited the natives at their pas in and about Port Nicholson, and found them everywhere clamorous and indignant about their lands, they having been given to understand that their pas and cultivations were sold, and nothing could more clearly point out the odious light in which they viewed this assumption than the resistance which, for several months, they offered to what they considered the infringement of the whites upon them, who could not or would not dare to proceed in their survey without being armed. Happily for the settlers, of Port Nicholson, the government officers arrived at this crisis, and having pledged the government to assist in an amicable adjustment of their affairs, the Company have been permitted to proceed in their survey without molestation, and the natives to retain their pas and cultivations until a further adjustment could take place.

His Excellency had various meetings with the natives in the presence of the principal agent of the Company, and other gentlemen of Wellington, and invariably, and on all occasions, they declared they had never sold their pas and cultivations, and that unless they were compelled by the Governor to vacate them, they never would. His Excellency proposed compensating them; this was alike unavailing, they declaring they would not leave the places where they had buried their fathers, nor leave the land which had long nourished them and their children; and although the Governor possessed a large share of their confidence, yet so strong were their feelings, and so cautious were they, that they would not give their consent to the erection of a custom-house within their pas. In the various intercourses I had with the natives, endeavouring to elicit the extent of their alienation, they always asserted that they had no intention, nor ever expected that it would be required of them to part with either their pas or cultivations; they thought they would be conferring a benefit, as well as reaping a benefit, by allowing Europeans to cultivate beside them.

And here I would for a moment digress, in order to show the improbability of their ever having parted from the places which they so tenaciously hold. I believe it never was the custom of the natives to alienate a tract of country upon which they were living, unless they intended migrating or altogether abandoning it. The primary object of a New Zealander parting with his land is not only to obtain the paltry consideration which in many cases is given them for their land, but to secure to them the more permanent advantages of finding at all times a ready market for their produce with their white neighbours; but this important end is at once defeated upon the assumption of a total alienation, as claimed by the New Zealand Company; and the natives are at once disgusted with what they consider the grasping disposition of Europeans.

The unvarying statements of the natives on this subject having led his Excellency to assure them that they would not be obliged to leave their pas and cultivations, which they had not alienated, was received by them with great satisfaction.

The natives of Kapiti were a good deal disquieted about a place called Pororua, denying their ever having sold it, and claiming protection in their possessions from Her Majesty's Government.

In the examination of the chief Hiko, in the presence of his Excellency the Governor, the chief justice, Colonel Wakefield, the Rev. O. Hadfield, and other gentlemen, he could not be induced to acknowledge the place ever having been alienated; and according to the statement of the Company's interpreter, who could speak a little of the language, his (Hiko's) consent was not obtained willingly, but he denied ever having signed the deed produced by Colonel Wakefield, while on the other hand a nephew of Colonel Wakefield affirmed he had. One thing, however, appeared evident, that such was the purport of the document produced, that it was calculated to mislead the natives, who were altogether incompetent to trace its designs. Opposition and remonstrance on the part of some of the people who had a real interest in the land was made to the proceedings of the agent of the Company, who still suffered himself to be persuaded that those who opposed him were either slaves or men of no influence; and after having proved the signatures of what he considered the principal chiefs (a very small number compared with the whole of the claimants), assumed at once that a valid purchase had been made; whereas, had the real state of the case been honestly pointed out, and the remonstrances of the more intelligent part of the natives been attended to, the difficulties in which the whole of the transaction is accumulated might have been obviated, and mutual recrimination have been spared; and I would again repeat that it is an improbability, almost amounting to an impossibility, that the natives could have sold themselves out of their possessions to the extent stated by the agent of the Company. How can a transaction with them be valid, without the consent not only of the chiefs but of the occupants of the soil, who, to the amount of many thousands, are still living upon the land claimed by the Company, ignorant of or disbelieving the transaction, who tenaciously cling to the land of their fathers, and who will not leave it except by compulsion? The work which the New Zealand Land Company is said to have accomplished in a few weeks in their purchases would occupy several years time of an agent well qualified to treat with the natives. The extent of evil arising out of this matter has but just been felt, and is accumulating largely, both upon the government and the Company's emigrants, who are by their new stations and towns only plunging themselves into still greater difficulties. I am aware that in England it may be considered that the question may be set at rest by giving the natives a few thousand pounds as a compensation;

pensation; the experiment at the pas will, I trust, convince both the government and the Company to the contrary. The natives, however, have but little chance of living long in the vicinity of such an interested and powerful party as the New Zealand Company; nor is it at all likely that they can escape the disadvantageous inducements which may be held out to them to alienate them from their present possessions, unless the protecting arm of Her Majesty's Government be continually thrown around them by a vigilant and well-timed interference.

There are about 1,000 natives living in the vicinity of Port Nicholson, and 2,000 or 3,000 about the Straits.

Their cultivations have not only supplied their own wants, but have left them a considerable overplus to supply the town of Wellington. There are two native churches at Port Nicholson which are well attended, and a Sunday school; by far the greater part of the natives are Christians. Their habits are sober and orderly, and they are free from dissipation. Instances of dishonesty rarely occur, and they seldom, if ever, call for the interference of the magistrates, otherwise than to protect them from the oppression of the Europeans. It is, however, due to the gentlemen of Wellington to remark, that with the exception of the misunderstanding arising out of the land question, the natives have but little reason to complain of their general treatment from them; cases requiring the interference of the magistrates being generally confined to the lower class of emigrants.

From Port Nicholson we proceeded in Her Majesty's brig *Victoria* to Karoa, where I found but few natives, but those few manifesting the same anxiety about their land, alleging that they had sold but a small portion, and that they had been informed that the chief of Otago on the one side and Kampaiaha and Hiko, chiefs of the Straits on the other, had without their consent sold their land to Europeans. The chiefs of Port Livy, two of whom I saw at Karoa, had similar complaints to make, and requested me to inform his Excellency of it, and that his Excellency should regard them as the rightful possessors of the country, the chiefs of Otago having no claim to that part of the island. On our return to Port Nicholson several of the chiefs of that place again visited us, and after presenting his Excellency with a few baskets of potatoes they took leave of us, requesting that they might again be visited by the Governor, saying that they were apprehensive of troubles after his Excellency should leave them.

I have, &c.

(signed) *George Clarke,*
Chief Pro. Abor.

Enclosure 2, in No. 55.

(Extract.)

Sir,

Wanganui, Tuesday, 14 Sept. 1841.

"ON my arrival, however, September 9th, I found that the natives had the day before prevented the New Zealand Company's surveying party from proceeding with their duties, under the idea that they were taking possession of a part of their lands, which they deny having sold. Through the kind assistance of the Rev. Messrs. Hadfield and Mason I was enabled to explain to the chiefs that the party was only measuring the land, and that whatever question there was as to the proprietorship must be decided hereafter by his Excellency the Governor, or commissioners sent by him for that purpose. Encl. 2, in No. 55.

They appeared to be perfectly satisfied with this explanation, and allowed the surveying party to proceed; but protested in the strongest manner that they would not allow any one to take possession of the land on the eastern side of the river; they had sold that on the western side fairly, for a distance of about five miles up the river, and 23 along the coast to the N. W.; and they were willing to sell the other side at a fair price. They concluded with the expression, "You may take our land, but you shall break our necks first."

I have, &c.

(signed) *Gilb^t Franc. Dawson,*
Police Magistrate.

— No. 56. —

(No. 41/30.)

COPY of a DESPATCH from Governor *Hobson* to the Principal Secretary of State for the Colonies.

Government House, Auckland, New Ulster,
13 November 1841.

My Lord,

ON my arrival at Port Nicholson, in August last, I found that the advancement of that settlement had for some time been considerably retarded, in consequence of the uncertainty which exists as to the validity of the New Zealand Company's claims to the land sold by them to the settlers at Wellington.

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The title of the settlers being consequently insecure, commercial credit was greatly impaired. The pre-emptive right of the Crown, the possibility that a claim prior to that of the New Zealand Company might be substantiated before the Commission of Inquiry, or that the Company's purchases in that neighbourhood might, if not wholly, yet in part, be reported against by the Commissioners, were the principal difficulties in the Company's title.

Anxious to relieve a numerous and respectable body of British subjects from a state of much embarrassment, and having learned from the arrangement entered into with the New Zealand Company, that it was the intention of Her Majesty's Government that there should be granted to them four times as many acres of land as it should be found they had expended pounds in the manner pointed out in that arrangement, I caused it to be notified to the Company's principal agent that, as to the lands comprised in an accompanying schedule, the Crown would forego its right of pre-emption.

The few claims that might be substantiated in preference to that of the New Zealand Company, in respect of the lands comprised within their settlement, being made by persons not actually settled on the spot, I deemed it expedient at once to declare should give way in favour of persons actually occupying the land, and that the Company should compensate such previous purchasers according to a scale to be fixed by a local ordinance.

I am happy to say that the assurance thus given to the Company's agent had an immediate and marked effect on the commercial credit of the settlement.

The boundaries marked out, defining the neighbourhood of Port Nicholson, were chosen for the purpose of enabling the Company's agent to make his selections according to the terms of the arrangement entered into with them in November 1840.

My letter (marked No. 2), which grants permission to the Company's agent to enter upon any equitable arrangement for removing native claims, and by which the natives are guaranteed against forcible expulsion, was communicated in a separate note, lest, if made public, disaffected persons might induce them to make exorbitant or unreasonable demands.

I have, &c.

(signed) *W. Hobson.*

Enclosure 1, in No. 56.

Encl. 1, in No. 56.

Sir,

Wellington, 5 September 1841.

UNDERSTANDING that some doubt is entertained as to the intentions of the Government with respect to the lands claimed by the New Zealand Company, in reference both to the right of pre-emption vested in the Crown, and to conflicting claims between the Company and other purchasers ;

It may be satisfactory for you to know, that the Crown will forego its right of pre-emption to the lands comprised within the limits laid down in the accompanying Schedule, and that the Company will receive a grant of all such lands as may by any one have been validly purchased from the natives, the Company compensating all previous purchasers according to a scale to be fixed by a local ordinance.

To W. Wakefield, Esq.
&c. &c. &c.

I have, &c.
(signed) *W. Hobson.*

SCHEDULE of Lands above referred to in Despatch No. 41/30.

Town of Wellington, containing (1,100) eleven hundred acres, in sections of one acre each, numbered from 1 to 1,100 on the Company's Plan.

Town District, including Karoi and Ohiro, containing (5,000) five thousand acres, more or less, in sections numbered on the said Plan 2, 3, and 5 to 52 consecutively, Nos. 1 and 4 being Crown reserves.

Harbour District, containing (6,900) six thousand nine hundred acres, more or less, in sections numbered from 1 to 69 on the said Plan.

Watt's Peninsula, containing (1,200) twelve hundred acres, more or less, numbered on the said Plan from 1 to 11 and 13, No. 12 being a Crown reserve.

Porirua District, containing (10,600) ten thousand six hundred acres, more or less, numbered from 1 to 106 on the said Plan.

Hutt District, containing (6,400) six thousand four hundred acres, numbered from 1 to 64 on the said Plan.

Seventy-eight

Seventy-eight thousand eight hundred (78,800) acres, more or less, to be surveyed and allotted by the said Company, in the neighbourhood of Port Nicholson, the boundaries of which neighbourhood are thus declared; viz.

The River "Manawatu," from its mouth upwards to the parallel of the Wahins and Tararua ranges; from thence by the summit of the Tararua range, extending in a general direction about south to the river Hutt; from thence by a line bearing south, by compass, to the summit of the "Turakirai" range, which forms the eastern boundary of the valley of the river Hutt, to the sea at Baring Head.

Fifty thousand (50,000) acres, more or less, to be surveyed and allotted by the said Company, in the neighbourhood of New Plymouth, the boundaries whereof are as follows; viz.

The Coast Line from "Sugar-Loaf Point," extending in a northerly direction 10 miles in direct distance; from thence, a line at right angles with the coast line, eight miles; from thence, by a line parallel with the coast line, 10 miles; and then by a line parallel with the northern boundary to the sea coast of Sugar-Loaf Head.

Fifty thousand (50,000) acres, more or less, to be surveyed and allotted by the said Company at Wanganui, the boundaries whereof are as follows; viz.

The sea coast, commencing one mile westward from the mouth of the river Wanganui, and extending from that point 10 miles eastward along the coast; from thence, a line bearing north by compass, eight miles; then, by a line bearing west, 10 miles; and from thence by a line bearing south to the coast.

Felton Mathew, Surveyor-General.

1 September 1841.

Enclosure 2, in No. 56.

Sir,

Barrett's Hotel, Wellington, 5 September 1841.

Encl. 2, in No. 56.

IN order to enable you to fulfil the engagements which the Company have entered into with the public, I beg to acquaint you, for your private guidance and information, that the local Government will sanction any equitable arrangement you may make, to induce those natives who reside within the limits referred to in the accompanying Schedule, to yield up possession of their habitations; but I beg you clearly to understand, that no force or compulsory measure for their removal will be permitted.

I have made this communication private, lest profligate or disaffected persons, arriving at the knowledge of such an arrangement, might prompt the natives to make exorbitant demands.

I have, &c.

(signed) *W. Hobson*.

To W. Wakefield, Esq.
&c. &c.

— No. 57. —

(No. 36.)

COPY of a LETTER from Lord Stanley to Governor Hobson.

No. 57.
Lord Stanley to
Governor Hobson,
12 May 1842.

Sir,

Downing-street, 12 May 1842.

I HAVE received your despatch of the 13th of November last, No. 30, transmitting copies of communications which you had made to the agent of the New Zealand Company, relative to the Company's title to land sold by them to the settlers at Wellington.

I have to convey to you my approval of your proceedings in that matter.

I have, &c.

(signed) *Stanley*.

— No. 58. —

(No. 41/32.)

COPY of a DESPATCH from Governor Hobson to the Principal Secretary of State for the Colonies.

No. 58.
Governor Hobson
to Principal Secre-
tary of State for
the Colonies,
13 Nov. 1841.

Government House, Auckland,

13 November 1841.

My Lord,

I HAVE the honour to report to your Lordship, that I have appointed Richard Davis Hanson, Esq. of Wellington, Port Nicholson, to the office of Crown Prosecutor for that district, at a salary of two hundred pounds per annum (200*l.* per ann.)

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I have also appointed Messrs. Charles Babington Brewer and Robert Roger Strang, Clerks of the Peace and Registrars of the Courts of Requests for Auckland and Wellington respectively, at salaries of two hundred pounds per annum (200 *l.* per ann.).

I have, &c.
(signed) *W. Hobson.*

No. 59.
Governor Hobson
to Principal Secretary of State for
the Colonies,
13 Nov. 1841.

— No. 59. —

(No. 41/34.)

COPY of a DESPATCH from Governor *Hobson* to the Principal Secretary of State for the Colonies.

Government House, Auckland, New Ulster,
13 November 1841.

My Lord,

I HAVE the honour to inform your Lordship that a ship, named the *Brilliant*, arrived at the port of Manukao, on the 28th ultimo, bringing from Scotland twenty-seven emigrants; viz. sixteen men, eight women, and three children.

The principal agent of the Company applied to me for permission to appropriate to their use part of the land which had been purchased from the natives by a Mr. Mitchel in 1835, and resold by his widow in 1839 to Major Campbell, Mr. Roy, Captain Symonds, and others, who formed themselves into a company under the title of the Manukao Company.

The lands in question are situated on the shores of the large estuary of the Manukao, and the extent, which is freely admitted by the natives to have been fairly purchased by Mr. Mitchel, may amount to thirty or forty thousand acres, which forms not one-third of the quantity contained in their deed.

The Manukao Company have sold in England, up to the date of the sailing of the *Brilliant*, eight thousand five hundred acres of country land in one hundred-acre sections, and eighty-five allotments of one quarter acre each of town-land, for which the sum of nine thousand three hundred and fifty pounds have been received, and of that amount five thousand two hundred and fifty pounds had been reserved for emigration.

Having heard nothing from your Lordship respecting this company I could make no appropriation of the land; but to protect the settlers from the evils that would result from disappointment, I permitted the agent, with the advice of the Executive Council, a copy of whose Minute I have the honour to enclose, to assign to the emigrants, as they may arrive, a settlement on the part of the harbour which has been measured out for a town, there to await your Lordship's directions.

Should your Lordship be pleased to allow them to form a town, I shall beg express directions to that effect, as Her Majesty's instructions specially forbid me to convey, grant, or demise any lands suited for such a purpose.

The formation of a settlement on the Manukao will be of essential benefit to this part of the country, and to the capital in particular; and I see no just objection to this object being effected through the intervention of this company in the same manner as the New Zealand Company have settled Port Nicholson. The port, which is by no means a bad one, will afford a more direct trade with the adjacent colonies; and the estuary, connected as it is, by the rivers Waikato and Orotu, with the beautiful country of the Waipa, will become the recipient of the produce of many hundred thousand acres of the finest agricultural land, which will readily find its way into Auckland.

I have, &c.
(signed) *W. Hobson.*

Enclosure in No. 59.

Encl. in No. 59.

Monday, 18 October 1841,
His Excellency laid before the Council a letter he had received from Captain W. C. Symonds, agent to the Manukao and Wai-to-mata Company, of date 16th October 1841, requesting permission to locate the emigrants, which are expected to arrive in the barque *Brilliant*, on a portion of the land claimed by the Manukao Company, without any acknowledgment of the company's right to the land.

It was ordered, That as all persons are entitled to the same advantages as the New Zealand Company, Captain Symonds, as agent of the Manukao Company, must furnish a statement

statement of all monies expended in the purchase of land in New Zealand from the native chiefs and others, in the taking up, chartering and despatching ships for the conveyance of emigrants thither, in the maintenance of such emigrants before and during the outward voyage, in the purchase and transmission of stores for the public use of the settlers collectively on their arrival, in surveys, in the erection of buildings, or the erection of other works dedicated exclusively to the public service of the settlement, and in other heads of expenditure or absolute liabilities unavoidably required or reasonably incurred for the before mentioned purposes, prior to the date of the agreement in November 1840.

(True Copy.)

J. Coates, Clerk of Executive Council.

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Tuesday, 19 October 1841.

THE further consideration of the letter received from Captain Symonds was then brought before the Council, when

It was ordered, That the emigrants expected to arrive in the barque *Brilliant* should be permitted to squat, for a period not exceeding two years, upon lands to be pointed out by the surveyor-general, on a portion of land on the Manukao river.

(True Copy.)

J. Coates, Clerk of Executive Council.

— No. 60. —

(No. 41/35.)

COPY of a DESPATCH from Governor *Hobson* to the Principal Secretary of State for the Colonies.

New Zealand, Government House, Auckland,
New Ulster, 13 November 1841.

No. 60.
Governor Hobson
to the Principal
Secretary of State
for the Colonies,
13 Nov. 1841.

My Lord,

I do myself the honour to transmit an address from the inhabitants of Wellington to The Queen, which I beg leave to request your Lordship to present to Her Majesty.

I have, &c.
(signed) *W. Hobson*.

Enclosure in No. 60.

To Her Most Gracious Majesty The QUEEN.

Encl. in No. 60.

An Address of Congratulation and humble Petition from the Inhabitants of the Town of *Wellington*, at *Port Nicholson*, in *New Zealand*.

May it please Your Majesty,

WE, the undersigned inhabitants of the town of Wellington, in the islands of New Zealand, crave permission, in common with the rest of Your Majesty's loyal subjects, to express those sentiments which have been called forth by a late auspicious event, and which we feel none the less fervently though settled at this extremity of the globe.

The birth of a Princess Royal assures to us, under Providence, a perpetuation of that dynasty which, since the accession of the House of Hanover, has been the safeguard and the pledge of our civil and religious liberties, and of that constitution under whose protection alone we have ventured, so far from our native land, to plant the institutions of our forefathers; in the hope of reclaiming a barbarous people to civilisation, and of adding new lustre to your Crown, by founding another community of that race of which we are members, and of which Your Majesty is the Royal chieftain.

In congratulating Your Majesty and your Royal Consort, and in supplicating the favour of Heaven upon the infant Princess, we venture to declare that, vast and unrivalled as are the power and greatness of the British isles, Your Majesty derives a yet more transcendent glory from being at the head of that colonial empire which includes the maturity or the germs of so many nations, and which involves the destiny of so large a proportion of the human race.

It was in ancient times proved to be the especial function of Englishmen to perform the "heroic work" of founding colonies, and it has been the peculiar happiness of Your Majesty's reign to witness and to foster the revival of that spirit, which was the glory of the greatest female sovereign that ever sat upon the throne of England, and which Your Majesty seems destined to eclipse, by employing greater resources in more promising fields, with no less wisdom, justice, and liberality.

In pleading the vast distance at which we are placed from the sources of information is our humble apology for being, perhaps, the very last of Your Majesty's subjects to lay before the Throne the sincere expression of our loyalty, we crave permission to suggest the same consideration to your Royal mind as a reason for indulgence on all other occasions, and as a just ground for soliciting an extension of Your Majesty's confidence to us in the

administration

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administration of law and justice, by the establishment of such local powers of government as may consist with your sovereign and imperial authority.

It was solemnly reported to one of Your Majesty's predecessors by two of the greatest luminaries of the law, then speaking officially, that "English subjects carry with them Your Majesty's laws wherever they form colonies," and we pray only that effectual means may be provided for securing to us, on the spot, those sacred and inalienable rights.

We presume to remind Your Majesty, that we have founded this colony without the slightest aid from the public treasury; that we have secured for Your Majesty's navy the most commanding position in the South Seas; have opened a new market for British manufactures, and a vast and fertile field for the surplus population of the mother country; and disclaiming all bounties, all privileges, and all pecuniary assistance, we pray only for the power of managing our own local affairs, by means of such municipal institutions as have already been promised to us by one of Your Majesty's representatives, the Governor of New South Wales.

We thank Your Majesty sincerely for the establishment of these islands as a distinct and independent colony; for the just and liberal terms conceded to that Company under whose auspices we have settled here, and for the promise of a municipal charter for our district; but, at the same time, we humbly submit that we can derive but little benefit from the administration of a Government which is fixed at a remote part of this island, in a place at present uninhabited, and distant at least 500 miles from the district preferred for settlement, and now occupied by the great mass of the British population.

We pray, therefore, that Your Majesty will either instruct Your representative and his officers to take up their residence where the population and wealth of the colony have concentrated themselves, and which Nature, by the judgment of all impartial men, points out as the proper seat of Government, or that Your Majesty will be pleased to provide a sufficient substitute, by granting us the most ample powers of legislation and administration, as a municipality, or by such other arrangements as may seem fit to Your Royal wisdom and justice.

The congratulations and entreaties are humbly submitted to Your Majesty,

By, &c.

(signed)	E. M. Chaffers, R. N.	Andrew Duncan.	Andrew Turner.
	Geo. Hilliard, Surgeon.	Wm. Bannister.	Robert Brunks.
	Thos. M. Partridge.	Jno. Bryce.	Alexander Stuart.
	R. Davies Hunson.	Thos. Hugh.	J. H. Greenwood.
	W. M. Smith, Capt. R.A.	Thos. Waters.	Geo. Scott.
	Surveyor Gen. N. Z. C.	J. H. Benar.	Thos. Clambutt.
	Wm. V. Brewer, Bar-	Thos. Sanderson.	Jno. Ferguson.
	ristler-at-law.	Thos. Cook.	Wm. Golder.
	A. W. Renall.	Jos. Miller.	W. Wakefield.
	J. A. Knight.	Jos. Canning.	J. T. Waksteed.
	Chas. Kelly.	E. Jerem. Wakefield.	Fred. Jno. Knox, M. D.
	Geo. Crawford.	Wm. Jones.	Robert R. Stracey.
	Wm. Sandon.	J. E. Featherston.	David S. Durie.
	Geo. Wilkin.	Jno. Allan.	J. M. Stokes, M. D.
	Dan. Munn.	J. C. Churton.	Geo. Moon.
	J. B. Hind.	C. W. Cameson.	Alfred Hodges.
	Jos. Thomas.	Fred. Wm. Platt.	J. Lewis.
	James Sillar.	Arch. Millan.	Richard Baker.
	Geo. T. Leisk.	J. Loughlin.	G. S. Evans, D. C. L. J. P.
	Kenneth Bethune.	W. H. Bottomby.	W. B. Rhodes, Mer-
	Geo. Hunter.	Jno. T. Gume.	chant.
	Rich. Davy, B. A.	Jas. Stoddart.	Chas. E. Von Alsdorf.
	Jas. Santry.	Jno. M'Farlane.	Robert Stokes.
	Sam. Revans.	Jno. Cameron.	David Lewis.
	Donald M'Donald.	Jno. Robinson.	Henry S. Hill.
	Adam C. M'Donald.	Chas. Heappy.	Jas. Smith.
	D. Donald, for myself on	Luke Nathuss.	Edward Johnson.
	45 Saternnion on the	T. A. Molesworth.	Francis Healy.
	Parmma Road.	Jas. Watt.	Adam Rind.
	J. Wade.	Jno. Dorset.	Jas. Hair.
	Geo. Wade.	Michael Pilkington.	Isaac Ridgway.
	Chas. H. Squibb.	Wm. Gryton.	W. Hay.
	Jas. Jackson.	Robert Waitt.	J. Cruickshank.
	J. D. Greenwood.	Robert B. Tyson.	Henry Morris.
	D. Johnson.	Arch. Milne.	Richard Ball.
	Jas. Wilson.	Chas. Large.	G. W. Burnett.
	Rich. Burton.	Arch. Anderson.	Jas. Spicer.
	Alfred Todd.	R. Hanay.	Wm. Murray.
	Dan. Riddiford.	Donald Ferguson.	Jno. B. Reading.
	Jabez Dean.	Chas. Wm. Kefe.	Moses Campbell.
	A. Ludlam.	H. W. Wrington Burt.	Wm. G. Bell.
	Jno. Smith, manager of	Henry W. Dunn.	John Murray.
	Union Bank.	Francis Bradley.	A. S. Sheridan, M. D.
	Francis T. Yates.		

— No. 61. —

(No. 37.)

NEW
ZEALAND.COPY of a DESPATCH from Lord *Stanley* to Governor *Hobson*.

No. 61.

Lord Stanley to
Governor Hobson,
13 May 1842.

Sir,

Downing-street, 13 May 1842.

I HAVE received your despatch (No. 35), of the 13th of November last, enclosing an address to Her Majesty from the inhabitants of Wellington, at Port Nicholson, of congratulation on the birth of the Princess Royal, joined to which is a petition, that Her Majesty will either instruct her representative and his officers to take up their residence where the parties signing the requisition allege that the population and the wealth of the colony have concentrated themselves, and which, they assert, Nature, by the judgment of all impartial men, points out as the proper seat of Government, or that Her Majesty will be pleased to provide a sufficient substitute, by granting to them the most ample powers of legislation and administration as a municipality, or by such other arrangements as may seem fit.

You will acquaint the inhabitants of Wellington, from whom this address and petition proceed, that I have laid them before The Queen, who was pleased to receive them very graciously; and that Her Majesty has been pleased to command me to express her sense of the efforts which they have made, and the success which appears to have attended them in the formation of a thriving settlement, and to assure them that she has issued such instructions to her representative in the colony as will secure to them the advantages which they desire in the administration of justice and the management of their local affairs.

I am, &c.

(signed) *Stanley*.

— No. 62. —

(No. 41/36.)

COPY of a DESPATCH from Governor *Hobson* to the Principal Secretary of State for the Colonies.

No. 62.

Governor Hobson
to the Principal
Secretary of State
for the Colonies,
4 Dec. 1841.New Zealand, Auckland, New Ulster,
4 December 1841.

My Lord,

I HAVE the honour to recommend to your Lordship's attention the state of trade in this colony, and to request earnestly that your Lordship will extend to these islands such indulgence in the few articles of exportation we can send from here as a remittance, as may be compatible with the interests of the mother country.

The only exports from New Zealand are wood, phormium tenax, or New Zealand flax, pork, potatoes, maize, sulphur and oil; the whole of which, with the exception of wood and oil, are so insignificant in their quantity, as not to be worthy of estimation.

The timber of the northern parts of this island is certainly a valuable article of export, and there are still some forests untouched; I hope there will be no objection to its reception in England at the lowest rate of duty.

The most important article we can hope to export is oil, and it is for this I would pray your Lordship's indulgence. First, I beg leave to propose that every encouragement, consistent with the law and the security of the revenue, should be given to foreign whaling ships, which have long been in the habit of frequenting our harbours, and that they be permitted to barter their oil for repairs and supplies, which oil should be received for home consumption in the colony on payment of the *ad valorem* duty of 10 per cent., or be warehoused for exportation in British ships, to be sold in the continental markets of Europe, or in ships belonging to the same country as those from which it may have been landed.

The privilege of warehousing goods on bond was of necessity sanctioned by me from the 1st July 1841, to relieve the colonists from the effect of the Act of the Council of New South Wales, 4 Vict., No. 19, of 1840, which obliged the holders of spirits to pay the duties on their stock, then on hand, but with which they were utterly unable to comply.

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This measure, however, does not extend to oil, and I have now most respectfully to solicit that the ports of Auckland, Wellington and Russell, be proclaimed free ports, and free warehousing ports for every purpose; and that the course I have adopted with respect to the stock on hand, on the first imposition of duties, may receive your Lordship's sanction.

The oil taken on the coast of New Zealand only pays the expense of saving it under the best and most economical management, and chiefly finds its market in the adjacent colonies, in which most of the speculators in the trade reside. Some of the gentlemen, however, who emigrated under the auspices of the New Zealand Company, have set up whaling establishments; but I fear all have lost money, and have subsequently given them up.

The phormium tenax, or New Zealand flax, will I hope ere long form a valuable export; but at present its preparation has nearly ceased, owing to the difficulty of inducing the natives to dress it on any terms that would yield a profit to the merchant. Many ingenious individuals have invented machines for separating the fleshy substance of the plant from the fibre, but none that I have seen or heard of have as yet attained sufficient perfection to render the flax clean enough to be marketable.

The natives raise a considerable quantity of pork, potatoes and maize, which although it does not contribute much as a return for imports received from New South Wales and Van Diemen's Land, yet provides the colonists with an ample supply of food, and in fact relieves them from the necessity of applying to their neighbours for articles of primary necessity.

The existence of sulphur in favourable situations around Mercury Bay has lately been taken advantage of to ship off about 80 tons of that mineral in the Planter for the English market. Whether this will pay the expense of transit remains yet to be proved.

I believe there has not yet been discovered any other article, indigenous in New Zealand, that could be made available for export.

When labour is more abundant many minerals may be discovered, the existence of which has often been reported. And I know there is a most excellent and durable black dye extracted from the bark of the hinau, which promises to become highly valuable hereafter.

In this enumeration your Lordship will perceive that there is no article, the produce of this country, which will form an export, except timber, in favourable situations, unless an indulgence be granted in favour of foreign-caught oil, which the colonists only seek to send to England for exportation.

I need not here remind your Lordship that a new colony has to struggle against every species of difficulty; that no trade actually takes place, except an interchange between the settlers, which impoverishes one portion just in the same degree as it enriches another; and that unless your Lordship takes a favourable view of my suggestion, and creates an export trade for the relief of those who have to remit largely in return for the goods they import, the colony must soon be stripped of its capital, and universal bankruptcy must follow.

I do not however take a desponding view of our circumstances. I trust it is only in our first struggles that we shall be obliged to trespass on the mother country for indulgences, and that hereafter the industry and enterprise of the settlers may develop ample sources of wealth to repay them for their adoption of a new country with all its toils and privations.

I have, &c.
(signed) *W. Hobson.*

No. 63.
Governor Hobson
to the Principal
Secretary of State
for the Colonies,
12 Dec. 1841.

(No. 41/38.)

— No. 63. —

COPY of a DESPATCH from Governor *Hobson* to the Principal Secretary of State for the Colonies.

New Zealand, Government House, Auckland,
New Ulster, 12 December 1841.

My Lord,
REFERRING to my despatch (No. 41/36,), I have the honour to lay before your Lordship a copy of the instructions I gave to the sub-collector at Wellington, respecting the partial importation of foreign-caught oil for home consumption

consumption in the colony, in payment for repairs and supplies rendered to foreign whale-ships in that port.

From the frequency of foreign whale-ships presenting themselves at the different ports of New Zealand in a state of great distress, in want of supplies and repairs, with a large portion of their crew affected by scurvy, and in all cases without the command of funds, I judged it most expedient to extend this indulgence to all parts of New Zealand, to meet such a contingency whenever it may arise.

I trust the course I have adopted may meet your Lordship's approval.

As a matter connected with the trade at Wellington, I have the honour to enclose in this despatch the copies of two notes which passed between Colonel Wakefield and myself, respecting the stores which were provided in London for the use of the crews and passengers on board the barques Whitby and Will Watch, and the brig Arrow, which, as I directed, were treated with every consideration by the sub-collector.

I have, &c.
(signed) *W. Hobson.*

Enclosure 1, in No. 63.

Sir,

Wellington, 3 September 1841.

Encl. 1, in No. 63.

A REPRESENTATION having been made to me that the American and other foreign vessels engaged in the whaling trade frequently visit this port in want of supplies and repairs, and that in every case they are destitute of any other means of providing for their disbursements than by selling a portion of their oil: Deeply impressed with the advantages which would result to the settlers of this infant colony from encouraging the resort of whaling ships of all nations to its ports, and following the practice which I understand to prevail in New South Wales, you are hereby authorized to sanction the importation of such quantities of foreign-caught oil as may appear necessary to defray the cost of the supplies or repairs above referred to, taking especial care that both the amount of supplies and repairs, and the value of the oil, are accurately determined and certified by two respectable merchants.

It is, however, clearly to be understood that such oil shall be received for consumption in the colony, subject to a duty of 10 per cent. *ad valorem*.

To the Sub-collector of Customs
of the Town of Wellington.

I have, &c.
(signed) *W. Hobson.*

Enclosure 2, in No. 63.

Sir,

Wellington, 27 September 1841.

Encl. 2, in No. 63.

I TAKE advantage of your Excellency's presence in this port at this time to represent to you the following circumstances.

There are now lying at anchor here three vessels, the barques Whitby and Will Watch, and the brig Arrow, chartered by the New Zealand Company. They contain various stores and implements for the use of the surveyors instructed to lay out a settlement for a body of colonists expected to leave England this month.

The exact situation of the intended settlement is as yet unknown, and none of the passengers by these vessels have landed with the intention of remaining at this place. The collector of customs claims duties on the articles subject to them before the vessels can proceed to their destination, and otherwise requires the observance of all the forms known in recognized ports.

Considering the nature of the enterprise on which these vessels are bound; that they only called for instructions and made a rendezvous at this place, and that the persons in charge of them had no knowledge when they left England that a custom-house was established here, I venture to solicit your Excellency to instruct the collector of customs to dispense with the regulations enforced as regards vessels bringing passengers and cargoes to be disembarked here, and that no advantage should be taken of any informalities committed by the masters, who, in ignorance of the regulations now in force, have rendered themselves liable for duties on their ships' stores now remaining and those expended on the voyage.

I have, &c.
(signed) *W. Wakefield,*
New Zealand Company's Principal Agent.

His Excellency Governor Hobson,
&c. &c. &c.

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Enclosure 3, in No. 63.

Encl. 3, in No. 63.

H. M. Colonial Brig Victoria,
Port Nicholson, 28 September 1841.

Sir,

I HAVE the honour to acknowledge the receipt of your letter of the 27th instant, relative to certain vessels now in the port of Wellington being subject to customs dues and regulations.

In reply, I am directed to inform you, that his Excellency has already given instructions to the sub-collector to permit vessels which arrive at Port Nicholson from Great Britain, in their passage to other settlements in New Zealand, to proceed on their voyage, on payment of the necessary duties, without their cargo being discharged at Wellington.

But his Excellency does not consider it advisable to grant any further authority to depart from the general rules of the department, before referring the matter to the collector of customs for the colony.

In the meantime his Excellency has directed the sub-collector, as far as the regulations under which he acts will allow, to avoid taking advantage of any informalities on the part of masters of vessels which may have arisen from the causes referred to in your letter.

I have, &c.

(for the Colonial Secretary)
(signed) *Edward Shortland*,
Private Secretary.

W. Wakefield, Esq.
Principal Agent of the New Zealand Company,
Wellington.

— No. 64. —

COPY of a DESPATCH from Lord *Stanley* to Governor *Hobson*.

No. 64.
Lord Stanley to
Governor Hobson,
12 August 1842.

Sir,

Downing-street, 12 August 1842.

I HAVE received your despatch, No. 36, of the 4th December last, bringing under the consideration of Her Majesty's Government the state of the trade of the islands of New Zealand. I have also received your despatch, No. 38, of the 12th of December, forwarding copies of the instructions given to the sub-collector at Wellington, relative to the importation of foreign caught oil for consumption in the colony, in payment of supplies rendered to foreign whale ships in that port, and transmitting copies of a correspondence with Lieutenant-colonel Wakefield, respecting certain indulgences which he had solicited for the Company's ships, in regard to the payment of customs' duties.

I referred those despatches for the consideration of the Lords Commissioners of the Treasury, in communication with the Lords of the Committee of Privy Council for Trade, and I transmit to you, for your information and guidance, a copy of a letter from the Secretary to the Board of Treasury on the subject.

You will observe that the Lords Commissioners have requested the Lord President of the Council to cause the requisite order to be submitted for the approval of Her Majesty in Council, for constituting the ports of Wellington, Auckland, and Russell, in the settlements in New Zealand, free ports, in conformity with the provisions of the 2d and 81st sections of the 3 & 4 Will. 4, c. 59.

At the same time it is to be observed, that the warehousing of goods at those, as well as other ports in New Zealand, is provided for by the Colonial Legislative Enactment, No. 3, which was transmitted with your despatch, No. 1, of the 27th July 1841.

You will further perceive that the Lords Commissioners of the Treasury have intimated that they see no reason to object to the instructions given to the officers of the customs in regard to the admission of foreign caught oil for consumption in the colony, as reported in your despatch of the 12th December, nor do they object to the observance of certain forms being dispensed with, in the case of vessels chartered by the New Zealand Company, which had entered the port of Wellington as a rendezvous for instructions.

I have further to call your attention to the fact pointed out in the enclosed letter, that oil of foreign fishing, landed and charged with the import duty of 10 per cent. in New Zealand, or warehoused in the colony, would not entitle that article, upon its arrival in this country, to admission as oil of British taking, or curing; but that it would be liable, after the 5th July 1843, to the higher rates

12 August 1842.

rates of duty provided by the recently passed Act, cap. 47, of the present session, previously to which period the duty of 26*l.* 12*s.* per tun would be levied, under the provisions of the Act 3 & 4 Will. 4, c. 56.

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I am, &c.
(signed) *Stanley.*

Enclosure in No. 64.

Sir,

Treasury Chambers, 12 August 1842.

Encl. in No. 64.

THE Lords Commissioners of Her Majesty's Treasury having had under their consideration the despatches from the Governor of New Zealand, with the other documents which were transmitted with your letters of the 13th and 14th of June last, relative to the trade with those settlements, I am directed to acquaint you, for the information of Lord Stanley, that their Lordships have requested the Lord President of the Council to cause the requisite order to be submitted for the approval of Her Majesty in Council, for constituting the ports of Wellington, Auckland, and Russell, in the settlements in New Zealand, free ports, in conformity with the provisions of the 2d and 81st sections of the Act 3 & 4 Will. 4, c. 59. I am likewise directed to observe that the warehousing of goods at those, as well as other ports in New Zealand, is provided for by the colonial legislative enactment which was communicated to their Lordships by your letter of the 26th of February last.

Their Lordships see no reason to object to the instructions given to the officers of the customs in regard to the admission of foreign caught oil for consumption in the colony, as reported in the despatch from the Governor, dated the 12th of last December; nor do they object to the observance of certain forms being dispensed with, in the case of vessels chartered by the New Zealand Company which had entered the port of Wellington as a rendezvous for instructions.

Referring, however, to the subject first mentioned, their Lordships think it advisable, with a view to prevent any misconception, that the Governor should be apprised of the fact that oil of foreign fishing, landed and charged with the import duty of 10 per cent. in New Zealand, or warehoused in the colony, would not entitle that article upon its arrival in this country, to admission as oil of British taking, or curing; but that it would be liable, after the 5th of July 1843, to the higher rates of duty provided by the recently passed Act, c. 47, of the present session, previously to which period the duty of 26*l.* 12*s.* per tun would be levied, under the provisions of the Act 3 & 4 Will. 4, c. 56.

I am, &c.
(signed) *C. E. Trevelyan.*

James Stephen, Esq.

— No. 65. —

(No. 41/39.)

COPY of a DESPATCH from Governor *Hobson* to the Principal Secretary of State for the Colonies.

Government House, Auckland, New Ulster,
13 December 1841.

No. 65.
Governor Hobson
to the Principal
Secretary of State
for the Colonies,
13 Dec. 1841.

My Lord,

I HAVE the honour to forward for your Lordship's information a report of the acting surveyor-general, on the situation of the port and town of Wellington, in Port Nicholson.

As to the capabilities of the port, I am of opinion that few places can surpass it; but the entrance is rather difficult to distinguish, and appears very dangerous to a stranger. A more general knowledge of the coast, however, and a lighthouse on one of the heads, will obviate these difficulties.

If any objection to the harbour exists, it is that the estuary is too extended, and the violent winds which prevail occasion a most turbulent sea at the anchorage. The approach to the shores also is shallow, and will require rather long wharfs to facilitate the lading and unlading of ships.

In the general description of the town and its environs, I perfectly agree with the acting surveyor-general, who pronounces the town to be sacrificed to an erroneous principle, and the country as most difficult of access, with very little available land within the space described by the chain of mountains which surround the port. The valley of the Hutt, which is included within the circle, is an exception to this rule; in that district, twenty-five thousand (25,000) acres of rich land may be redeemed by clearing away the heavy timber with which it abounds.

NEW
ZEALAND.

In laying out and disposing of the town allotments, there has been no attention whatsoever paid to the selection of reserves for public purposes. The Company were obliged by their engagements to furnish eleven hundred (1,100) acres for purchasers, and every available spot was seized upon for distribution. Indeed, many places which were wholly inaccessible were marked out and sold perhaps as the blanks in the lottery by which the selection was regulated.

I have selected those little spots marked pink on the map, as the only ones left whereon to erect places of worship, for which no provision has been made, a court-house, a gaol, a barrack, two markets, police stations, and watchhouses. But none of these, except the barrack, are in situations I would have selected if I had had a more extended choice. The principal market-place is situated on a spot where it was proposed to construct a basin for vessels, but which was altogether unfit for the purpose.

Mr. Mathew also remarks on the Southern Island, which he visited with me, and he gives an account of it in full accordance with all we saw and heard of that country.

I have, &c.
(signed) *W. Hobson.*

Enclosure in No. 65.

Surveyor-general's Office, Auckland,
20 October 1841.

Sir,

Encl. in No. 65.

IN accordance with verbal instructions from his Excellency the Governor, I have the honour to submit for his Excellency's information a few remarks which have occurred to me on the subject of the land at Port Nicholson, reserved by the New Zealand Company for public purposes, as well as on the aspect and capabilities of the country generally, so far as they were brought within the range of my own observation during my recent excursion with his Excellency to the southern district of this island.

The qualities of Port Nicholson as a very safe, convenient, and accessible harbour, are now so much better known than formerly, that it would be almost superfluous for me to offer any observation on the subject, more especially as his Excellency's personal acquaintance with the spot, and his superior judgment on that point, enable him to form his own opinion; it will be sufficient therefore to observe, that the harbour appears to be in every respect unobjectionable.

The town itself is advantageously situated around the shores of that indentation of the port which is distinguished by the name of Lambton Harbour, and presents a very eligible site for a town of moderate extent. There is a very beautiful flat, known as Thorndon Flat, having an area of probably 50 acres, forming the northern portion of the town; and at the head of the bay there is an extent of about 300 or 400 acres of level and undulating land, highly favourable for the purpose for which it is intended.

On that part of the shore which intervenes between these two flats, the spurs from the mountain ranges close in upon the harbour, leaving a space barely sufficient for the erection of houses, and for a carriageway between the base of the hills and the water's edge.

The water, however, in this part of the harbour is very shallow, and at a comparatively trifling expense a considerable extent of land may be recovered, which at a future time will become highly valuable as a site for a custom-house and other public buildings, and for commercial purposes.

Immediately behind the two flats already spoken of, the land rises suddenly into bold and rugged hills of very considerable elevation, thickly covered with timber and brushwood, and intersected by deep ravines, of so steep, broken, and impracticable a nature, as to render the back country exceedingly difficult of access.

A very considerable portion of the town is laid out (or supposed to be laid out) on land of this description, where it would be difficult to find a sufficient extent of even tolerably level ground on which to erect a house.

On the whole, the site of the town is certainly admirably adapted to the purpose, and would afford ample space for one of considerable extent, and for the accommodation of a very numerous population, had the character of the ground and the local advantages been properly estimated and judiciously taken advantage of: I consider it a magnificent site completely destroyed, and it appears to have been sacrificed to the absurdity of laying out a plan on a sheet of paper, and restricting the size of the allotments to an acre, an extent which is far too large for the purpose required, and is calculated only to promote that greedy spirit of speculation in town allotments, with which most new colonies are unfortunately rife. Had the plan for disposing of land in this town been such as to admit of allotments, varying in extent from an eighth of an acre upwards, and had the two portions of flat land, which I have alluded to, been judiciously laid out, they would have been amply sufficient to accommodate a very large number of inhabitants; the population would have been more condensed, instead of being scattered along a beach of two miles in extent, and

and an allotment of smaller size would have been far more valuable to the proprietors (excepting in favoured situations) than one of an acre, according to the present arrangement. By that arrangement a small number of the proprietors have large allotments of great value, while very many of them have such as, from the character of the land, can never be available for any purpose whatever. Another and most serious disadvantage attendant on this system is, that the natural features of the ground being neglected, the streets are carried across ravines, and over rugged and impracticable ground, which cannot be made passable but at an enormous expense.

In examining the reserves left by the New Zealand Company, it becomes evident that no consideration has been given to the various public purposes for which these reserves may at a future time be required, but that such portions only have been retained as, from having a greater or less area than an acre, have not been found suitable for appropriation among the shareholders; the reserves are, as a necessary consequence, insufficient in number, some of them very limited in extent, and many very ill adapted to the purposes for which they will probably be required; I have however thought it desirable to make such an arrangement for their appropriation as appeared to me most advantageous, and as the future circumstances of the town may appear likely to require.

This arrangement is shown in the accompanying plan of the town.

AAA. Reserves for market places; of these, three will at some future time become necessary, and the only suitable spots are those which have been selected; that on Thorndon Flat is occupied by an extensive native pah, which the natives have not alienated, nor do they manifest the slightest inclination to do so, otherwise it is well adapted to the purpose.

The second was originally intended for a basin, an idea suggested probably by the swampy character of the ground around it; but besides that, such a project is of very questionable advantage; no other place can possibly be found for a market place in this part of the town, and its appropriation therefore to that object would become a matter of necessity; the third spot selected by me, is at the southern extremity of the town, where such a place will certainly be required if it should ever by any remote possibility extend in that direction; the character of the ground, however, in this part is so unfavourable, that I could not have thought of making such a selection for the purpose, had any other spot been opened to me.

B. Reserved for the court-house; this is an eligible situation, midway between the two extremities of the town, affording also a sufficient space for a receiving watch-house and other necessary buildings.

C. Gaol. This is a very desirable spot for the purpose, being on the elevated ground, close to the water, in an airy situation, and adjoining the military barrack; this would also eventually become the most suitable place for the courts of law, in immediate proximity to the gaol; and there is here ample space for the erection of the necessary buildings.

DDD. Sites for Watch-houses. These places have been selected as the only ones which present themselves, but they are by no means sufficient in number for a town of such extent.

E. Public Offices, and

F. Military Barracks. Both of these are very eligible situations for their respective purposes; the latter in particular appears to present many advantages for a military post, should such an establishment ever be required at Wellington; the ground is of moderate elevation, commanding a view of the whole town, airy and easy of access, having abundance of water at hand; easily defensible, and having sufficient space for a very convenient parade ground.

GG. Abattoirs. No suitable spot can be found for this purpose, one so highly essential in a large and populous town; the probability therefore is, that the present most objectionable practice of slaughtering animals in the middle of the town may be perpetuated.

H. Government Domain. This portion of land is occupied by the Company's principal agent; it is well suited for the residence of the police magistrate, or other representative of the Government at Port Nicholson; but as it is only five acres in extent, and is situated in the very centre of the town, overlooked from every part, it is utterly unfit for a Government domain.

I. This spot is well suited for a signal station; it commands an uninterrupted view of the approach to the harbour, and will be visible from all parts of the town.

K. Custom-house.—This spot was originally intended for a public landing-place, and being situated in what constitutes at present the most commercial part of the town, it would have appeared a desirable situation also for a custom-house; but it is occupied by a native pah, which the natives manifest the most decided determination to retain in their own hands. The best situation ultimately for a custom-house, will be that previously adverted to, between Pipetea Pah and Te-Aro, and in front of Lambton Quay, which must be recovered from the water.

LL. The site for the cemeteries is objectionable only as being too much in the centre of the town.

NEW
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MNOP. Intended for places of worship for the four principal denominations of Christians; they present by no means eligible sites, but are the best and only ones that can be found.

The above appropriation of the reserved lands leave no place for the erection of public pounds, for a cattle market, or for any other purpose which may be required; the extensive reserve around the whole town (shown on the plan) being, from the inaccessible character of the ground, totally unavailable.

In adverting to the resources of Port Nicholson, and its capabilities as an agricultural district, it is necessary to observe that the harbour is, with the exception of the opening of the valley of the River Hutt, entirely surrounded by lofty hills, in most parts thickly timbered and very difficult of access. The ravines by which these hills are intersected are very rugged and precipitous; the small proportion of good soil which exists, is scattered in very small patches, suited only to native cultivation, and varying in extent from half an acre to one and two or three acres.

The land generally (with the exception of the valley of the Hutt, of which I shall speak hereafter), is certainly of a very inferior description, and would not in my opinion pay for cultivation, especially considering the expense of clearing.

This character of country prevails on the western side of the harbour entirely to the inlet of Porirua, distant about 18 miles; and on the eastern side of the port the hills are more lofty, and the soil still more sterile, but in many parts free from wood. A track has been cut through the forest as far as Porirua, which is looked upon as the principal outlet from Port Nicholson, and the great means of communication with the interior of the country. The ascent, which commences at the northern extremity of the town of Wellington, where there is a native pah called Kai-warra-warra, is exceedingly abrupt and difficult, so much so as to be very laborious even for a horse; and it could never be made available for a wheel carriage of any description, but at an enormous expense. A better line for the ascent may I think, be marked out, but the rise from the beach is so sudden, and for the first mile and a half so steep, that great labour must be expended in the formation of a tolerable line of road. On reaching the summit of the range, the track descends with almost equal abruptness into a deep and rugged ravine, which forms the channel of a creek, whose waters flow into the harbour of Porirua. The track is carried along the side of the ravine, at a greater or less elevation, until it terminates at Porirua. It would be difficult, in my opinion, to select a worse line of road than this for the first 10 or 12 miles; in forming it the side cutting round the spurs of the hills would be exceedingly laborious, and very difficult and expensive to keep in repair; while the number of bridges which would be required to cross the numerous tributaries which feed the principal stream, would be a source of endless expense and trouble.

At a distance of about 12 miles, the road descends into a flat of very good land, heavily timbered, but of very limited extent. I have no doubt that a much better line of road than this may be discovered, and probably in time, as the country is thrown open, and public attention is directed to this point, an object so important to the interests of the settlement will be attained. It is, however, impossible to conceal the fact, that the great elevation of the hills, and their sudden and precipitous rise from the very shores of the harbour, present a difficulty which cannot be surmounted without a very considerable expenditure of labour and money.

Another road has been partially formed, and is now in progress along the western shore of the harbour, from Wellington to Petoni, a settlement at the mouth of the river Hutt. This work is executed at the expense of the New Zealand Company, such emigrants being employed on it as are unable to procure work elsewhere. During my stay at Port Nicholson, there were from 50 to 70 men employed; the road, where completed, is about 12 feet wide; there is a good deal of side cutting, the rocks being very steep, close to the water's edge; there are several small bridges erected, and when finished it will afford a very desirable and excellent means of communication between the town and the settlements on the Hutt. The rock through which the road is partially cut consists of a coarse friable whinstone, which presents on the spot the best of material for road making. The expense will be considerable, but it is altogether a very creditable work. I very much regret that I had not an opportunity of personally examining the valley of the Hutt, further than the settlement of Petoni, which is situated at its mouth; the course of the river may, however, be so distinctly traced from the summit of some of the hills in the neighbourhood of the town, that to a practised eye it is by no means difficult to estimate the extent of the valley with considerable accuracy.

The opinion I should thus form of its extent, and that which I should entertain of its capabilities, derived from my general knowledge of land of a similar character in New Zealand, are fully borne out, and confirmed by the best information I could collect on the spot. From the mouth of the river to the base of the snowy Taranaki range I should estimate the distance at 30 or 35 miles; but at 10 or 12 miles the valley perceptibly contracts, and presents little more than the bed of a mountain stream. At Petoni its breadth is about three miles, and at the distance I have mentioned above its mouth (viz. 10 or 12 miles) it is not more than a quarter of a mile wide. If therefore the extent of available land within the valley be estimated at 30 square miles, or about 20,000 acres, it will be a very liberal calculation. The whole of the land is very heavily timbered, but as the species of pine called kahikatea is very abundant, and is the wood chiefly used for building purposes, the profit derived from the sale of it very much diminishes the expense of clearing, which would otherwise be very great. The land in this valley, as in all similar situations in New Zealand, is of the finest description.

I have

I have thus endeavoured to convey, for his Excellency's information, an idea of the impressions which I have derived from a very careful examination of Port Nicholson and its immediate neighbourhood, to the utmost extent which my means and opportunities would allow. A more beautiful and romantic spot it would be difficult to conceive; a finer harbour could not be desired; but it is in vain to deny that the great difficulty of opening a means of communication with the interior presents a very serious objection; and that from the limited extent of land available for agriculture in its neighbourhood, it is not calculated to support a very numerous population.

These circumstances, combined with the fact of probably four-fifths of the town and a large proportion of the country sections being in the hands of non-residents, will tend very much, it is to be feared, to retard the advancement of the settlement.

A limited extent of available land is now about to be thrown open on the River Wanganui, a distance of 130 miles from Port Nicholson, and a fine tract of country is also to be allotted by the New Plymouth Company at Taranaki, distant by the coast about 280 or 300 miles.

But whether Port Nicholson will become the entrepôt for these districts, or whether the settlers (of Taranaki in particular) may not find a nearer and more advantageous market by entering the port of Manukao, and thence communicating with the capital (Auckland), a distance of only six miles, is a problem which remains to be solved.

Proceeding from Port Nicholson to Akaroa, in Banks' Peninsula, where we were detained a few days, I had an opportunity of examining the vicinity of that harbour, and it may be therefore proper that I should report to you the result of my observations. The harbour is a very fine one, easy of access, well sheltered, with good anchorage, and deep water close to the rocks: it is surrounded by very lofty mountains, which during our stay were partially covered with snow; one point, called "La Boussole," has been determined by the French commodore Lavaud at 2,020 feet; a point on the north side of the harbour, called "La Couronne," and some others, are still more lofty. There is a very small proportion of level land; but what there is is of a fertile description, and many of the spurs from the mountain ranges are very available for cultivation.

The French settlement is established on a flat of considerable extent, which forms one side of a bay, where the best and most sheltered anchorage is found. The number of the inhabitants does not exceed forty; their houses are very indifferent, and they appear to have done little or nothing during the twelve months in which they have occupied the place; very few of them even have attempted gardens. There is one large and very good wooden house, which is occupied by M. Baligny, the agent of the Nanto-Bordelaise Company, and is also used as a store for the supply of the settlement.

About two miles higher up the harbour a few Germans, eleven only in number, are located at the mouth of a very fine valley, presenting a tolerable portion of level and very fertile land; they, however, have done nothing beyond the partial erection of a house.

The climate of Akaroa appears to be very salubrious, and the difference of temperature between it and the Northern Island is by no means such as might be expected from the difference of latitude, and from the frequent presence of snow. I was favoured by the French commodore with a perusal of the meteorological journal, kept on board of the *Aube*, and I found that during the last twelve months the lowest point reached by the mercury, by day or night, has been 1° of the centigrade thermometer, equal to about 34° of Fahrenheit.

The mountainous character of the country all round Akaroa, and indeed over the whole of this part of Banks' Peninsula, would probably render a communication with the interior country difficult. A native track exists from Akaroa to Port Cooper, which may be travelled on foot in about eight or ten hours; but, as far as I could learn, it is a difficult and laborious route.

Port Cooper is spoken of as a very desirable harbour, but I had not an opportunity of examining it.

From the appearance of the country behind Banks' Peninsula, which I had an opportunity of observing as we approached the coast, and from all the information I could collect, there appears to be a very large extent of fine level country, covered with a luxuriant growth of grass, extending southward towards Otago, and northward as far as the eye can reach. This information I derived from several persons on whose authority I could rely, and making all due allowance for the exercise of imagination, which would naturally be a little excited at a prospect so unusual in New Zealand, as level land covered with grass, there appears no reason to doubt that a very fine pastoral country exists on this portion of the middle island, which will become most important and valuable whenever it may be deemed consistent with the views of Her Majesty's Government to settle that island.

An outlet for the produce of this country will be found either at Port Cooper or at Akaroa, if the former should not prove so desirable a harbour.

In conclusion, I have only to observe, that the opinions which I have formed, and the information I have acquired, have been based almost solely on my own observations; that which, in one or two instances which I have mentioned, I have derived from other sources, has been obtained from persons on whose judgment and integrity I could rely, and has been made use of only where it was confirmatory of my own experience and knowledge of the country generally.

I have, &c.

(signed) *Felton Mathew,*
Surveyor-General.

NEW
ZEALAND.

— No. 66. —

(No. 41/40.)

COPY of a DESPATCH from Governor *Hobson* to the Principal Secretary of State for the Colonies.No. 66.
Governor Hobson
to the Principal
Secretary of State
for the Colonies.
15 Dec. 1841.Government House, Auckland,
New Ulster, 15 December 1841.

My Lord,

I HAVE the honour to forward the half yearly report of the Protector of Aborigines, Mr. Clarke, in which he sets forth the very peaceable and tractable state of the native population, but at the same time he remarks upon the apprehensions entertained by them respecting their land; and I certainly admit that a people, who are in the highest degree jealous of their territorial rights, and amongst whom those rights are very imperfectly defined, are not unlikely to resort to force sooner or later, rather than suffer the occupation of lands, which may have been fairly bought from one tribe, but are claimed with great apparent justice by another.

I take, for instance, the Waikato tribe, under the chief Te-whereo-whereo, who are extremely powerful. They conquered and drove away the Ngati-awas from Taranaki in 1834, leaving only a small remnant, who found refuge in the mountains of Cape Egmont; and having pretty well laid waste the country, and carried off a large number of slaves, they retired to their own district on the banks of the river Waikato.

It appears that in 1839 Colonel Wakefield visited the country, and bought a considerable portion of it from the few Ngati-awas who had resumed their habitations on the retreat of Te-whereo-whereo.

Now Te-whereo-whereo claims the country as his by right of conquest, and insists on it that the remnant of the Ngati-awas are slaves; that they only live at Taranaki by sufferance, and that they had no right whatsoever to sell the land without his consent. In illustration of his argument, he placed a heavy ruler on some light papers, saying, "Now so long as I choose to keep this weight here, the papers remain quiet, but if I remove it, the wind immediately blows them away; so it is with the people of Taranaki;" alluding to his power to drive them off.

Te-whereo-whereo certainly has a claim to the land, but not a primary one, as the received rule is, that those who occupy the land must first be satisfied. But he is the most powerful chief in New Zealand, and I fear will not be governed by abstract rights, but will rather take the law into his own hands.

I had hopes, until a few days ago, that he would consent to take a moderate compensation for his claim; but he suddenly broke off a negotiation entered into with him, because his conditions being large, I determined on referring them to Colonel Wakefield before I paid the price stipulated. Where he has gone, or what his intentions are, I cannot yet learn; but he will probably call on me again when his impatience has moderated.

I have mentioned this case as the type of a hundred others, merely to show your Lordship how difficult it is, unsupported by power, to conclude any real bargain with the natives; for it is clear that, in this case, Te-whereo-whereo has presumed on his imposing position, and on my evident weakness; and I am compelled to assume an independence which I certainly cannot maintain.

Mr. Clarke very properly calls my attention to the want, felt in all the districts, of sub-protectors for the direction and instruction of the native population; but I am wholly unable to find suitable persons for the office. Amongst the families of the missionaries I was in hopes of procuring young men, who would be proud to serve, and I tried two of the most intelligent, Mr. Williams, the eldest son of the Rev. H. Williams, and Mr. Kemp, each at a salary of one hundred and fifty pounds (150*l.*) per annum; but they proved inert and unmanageable.

Mr. Williams retained his situation just so long as he was kept in comparative idleness, and when he was called on to occupy a remote station, he expressed his unwillingness to go, and I accepted his resignation immediately. Mr. Kemp also, the son of a missionary, was in a bad state of health, and resigned upon being ordered for service. I will use my best exertions to supply this deficiency, but I am not very sanguine of success.

Hitherto purchases of land from the natives have been effected through Mr. Clarke; but his dealing with them in these matters interferes in some measure,

measure, I fear, with his conservative vocation of protector; for although he, as an individual, acts most conscientiously both towards the natives and the Government, yet there is no natural connexion between the office of a land commissioner who buys land for the Government, and that of protector of the rights and liberties of the aboriginal proprietors of the soil.

The New Zealanders are a shrewd people, and are not a little apt to attribute all the kindness and advice Mr. Clarke may offer them to the more sordid view of obtaining their land; besides which, he is often obliged to place himself in a false position with regard to them, while resisting their unreasonable demands for large payments.

It is for your Lordship to make any other arrangement you may please; but in the present low state of our finances, I cannot, with propriety, recommend the employment of an additional officer.

Yet I feel it my duty to call your Lordship's attention to the case, and to request you will at some future period provide against this anomaly.

Mr. Clarke has applied to me for an increase of salary, and has openly declared that he cannot perform his duties, which are most onerous, on his present means. He now receives four hundred pounds per annum, as ordered by your Lordship's instructions, conveyed in an enclosure in despatch No. 1, dated 9th December 1840, and I have allowed him 2*s.* 6*d.* a day for a horse, and have attached six natives to his staff, making his department expensive, without adding to his pecuniary means. I know his duties are most severe, and his assiduity is most persevering, often undertaking a journey of 200 or 300 miles, every foot of which he is obliged to walk. If, under these circumstances, your Lordship will raise his salary to that of the Protector at New South Wales, I think your beneficence will be deservedly applied.

Subsequent to the foregoing letter being drafted, and prior to the date which shows the time of its transmission, a most blood-thirsty murder has been reported at the Bay of Islands, the particulars of which shall form the subject of another despatch, which I have the honour to forward herewith.

I have, &c.

(signed) *W. Hobson.*

Enclosure in No. 66.

The Chief Protector's Half-yearly REPORT on the State of Her Majesty's Aboriginal Subjects of *New Zealand*.

Encl. in No. 66.

Protector's Office, Auckland,
30 September 1841.

IN conformity with my instructions dated 9th April 1841, requesting a half-yearly Report on the state of Her Majesty's subjects in New Zealand, I proceed to offer for the information of his Excellency the Governor the following remarks.

With considerable personal exertion and increasing solicitude for the welfare of this interesting portion of Her Majesty's subjects, I have continued to watch over and support their interests, principally by visiting the tribes in the different parts of the island, by settling as far as possible their petty disputes with Europeans, and with one another, and by endeavouring to disabuse their minds from the influence of unprincipled Europeans, disaffected to Her Majesty's Government, assuring them of the anxious and parental care felt for them by Her most Gracious Majesty, and also by his Excellency the Governor.

During my intercourse with them, I have generally found that one of the principal subjects of complaint, is the manner in which they have heard the British Government proposes treating them and their property, being naturally a high-minded and independent people, and jealous of the proceedings of Europeans on account of the numberless frauds practised amongst them by whites of the lowest character. Amongst the old chiefs (in whom there is a large share of pride and ignorance combined, and whose power to do mischief is very limited) there is a dread of degradation by submission to the Government; but amongst the younger chiefs (whose views are more enlarged and whose dispositions are more pacific) there is an inclination to rely on the integrity of the British Government; they hold inviolate the treaty, saying that the words of it *cannot* be broken. Another very general subject of complaint, is the encroachments of Europeans upon their lands, which I fear will be a source of much trouble to Her Majesty's Government as well as to the colonists and aborigines. The equitable purchasing of a tract of country, even under the favourable circumstances of knowing the language and customs of the natives, has always been attended with great difficulty; yet, in the estimation of the majority of land purchasers (ignorant of both the native language and customs) they have accomplished more in the space of a few hours in the way of purchasing land, than the Government, under every advantage, can accomplish in as many years.

NEW
ZEALAND.

I regret that I am not able at present to report any very rapid or decided improvements among the natives, which I think is not much to be wondered at, when we consider the sudden influx of the colonists, and the establishment of Her Majesty's Government; the great demand for native labour and supplies has suddenly placed the natives in a state of affluence, which, added to the baneful influence of Europeans of vicious character, and their own natural independence, has been somewhat unfriendly to their great moral improvement; but I feel very little doubt that a reaction will soon take place, advantageous to both Europeans and natives. The sudden transition from a state of comparative poverty to affluence has been felt not only in Auckland, but even in the most remote parts of the island; it will, however, give his Excellency satisfaction to learn that not a single case of great importance has occurred at Auckland during the last year requiring the interposition of the magistrates, and though property is in many cases intrusted to their care, I am not aware of a single instance in which the trust reposed in them has been abused. In almost every native village I have visited, they religiously keep up the observance of the Sabbath, and attend their Sunday schools, which (except where there are missionaries) are conducted by native teachers.

Hitherto but little has transpired to interrupt the harmony between Her Majesty's British and Aboriginal subjects, and it is but due to acknowledge the forbearance exercised by both parties.

It must however occur to his Excellency that the great influx of Europeans will impose more onerous duties on the protector's department, and show the absolute necessity of sub-protectors being appointed to every town where there is a considerable number of colonists. It appears indispensable to the security and peace of the community that the following places be supplied with protectors, viz. Port Nicholson, Taranaki, and the Northern parts of New Ulster. I feel utterly at a loss to recommend to his Excellency any gentleman capable of efficiently performing the duties of a sub-protector; but as an inducement, I would suggest that a liberal salary be offered to any suitable gentleman, without which it will be impossible properly to conduct the duties of the department, or to procure the services of a person in whom his Excellency could place implicit confidence.

During the year I have made two or three important purchases of land on behalf of the Crown, which however have led to various remarks among the natives, more or less prejudicial to my duties as chief protector; they being apprehensive that their interests in connexion with this department are less studied than those of the government. On this point I have been unable fully to satisfy them, great pains having been taken by inconsiderate Europeans to show them the incompatibility of the two duties, as well as the great disproportion between the price the government gave for their lands, and the amount they realised when resold.

I have also to remark that hitherto but very little sickness has prevailed among the natives, and as their sanguinary wars have almost totally subsided, and Christian principles begin generally to prevail, I think the population may be on the increase, rather than, as it has been for some time past, on the decrease.

It is also my painful duty to report that a deep-rooted superstition, under the denomination of witchcraft, has in one or two instances led to the perpetration of murder among the heathen part of the population; but this savage practice is fast disappearing, and in its place the Christian religion is everywhere diffusing its humane principles among them.

(signed) *George Clarke,*
Chief Protector Aborigines.

— No. 67. —

No. 67.
Lord Stanley to
Governor Hobson.
10 June 1842.

(No. 49.)

COPY of a DESPATCH from Lord Stanley to Governor Hobson.

Sir,

Downing-street, 10 June 1842.

I HAVE received your despatch, No. 40, of the 15th of December last, forwarding the half yearly report of the protector of aborigines.

With the information at present before me, with regard to the prospects of the colony, I cannot sanction any increased expenditure for the department of the protector. Lord John Russell, in his despatch, No. 6, of the 28th January 1841, directed that as often as any sale should be effected in the colony, of lands acquired by purchase from the aborigines, there should be carried to the credit of the department of the protector a sum amounting to not less than 15, nor more than 20 per cent. in the purchase-money, for defraying the cost of the protector's establishment, and other charges incurred for the benefit of the natives.

When any sum shall have been realised from that source, it will of course be applicable to the charges which you contemplate. In the meantime I consider it very desirable that the protector should be relieved of the office of negotiating purchases of land from the natives, which I consider inconsistent with the character he fills.

Yours, &c.
(signed) *Stanley.*

For Lord John Russell's
Despatch, 28 Jan. 1841,
vide Papers relative to
New Zealand, ordered
by the House of Com-
mons to be printed, 11
May 1841, No. 311,
p. 51.

— No. 68. —

(No. 41/41.)

COPY of a DESPATCH from Governor *Hobson* to the Principal Secretary of State for the Colonies.

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No. 68.

Governor *Hobson*
to the Principal
Secretary of State
for the Colonies,
16 Dec. 1841.

My Lord,

Government House, Auckland, New Ulster,
16 December 1841.

I do myself the honour to report that on the 20th ultimo a widow woman, named Robertson, her man-servant, and her two children, with one native child, were brutally murdered on one of the islands in the Bay of Islands.

Soon after the dreadful occurrence was made known at Kororarika, some of the white inhabitants, aided by the native tribe living in that town, proceeded to the spot, with the coroner, and held an inquest on the bodies; but in the course of the examination one of the jurors requested the postponement of the inquiry, as he had received secret intelligence from a native chief, which was likely to throw some light on the subject, and to disclose who was the perpetrator of the bloody deed.

Accordingly on the next morning very early a party again proceeded to the island, and there the natives pointed out the man in whose possession were many of the effects of the deceased, all which were secured, and the man on whom they were found was apprehended on suspicion, but owing to the threats of the natives, was not secured until his father came forward and gave him up.

The adjourned inquest took place at Kororarika, when a verdict of wilful murder of the five persons was recorded against the native, whose name is Maketu.

Maketu is the son of Ruhe, one of the high chiefs of the Bay, and he is connected with all the first men of the northern part of this island. His apprehension created such unusual excitement at the Bay of Islands that the police magistrate deemed it right to send him here for better security.

The only reason that can be assigned for Ruhe giving up his son to justice was his apprehension that the Korarika tribes would kill him on the spot, in consequence of the murder of the native child, a grandchild of Rewa, who is the head of the Ngapuhis, who principally inhabit Kororarika and its vicinity, and was then present.

Since the confinement of Maketu he has voluntarily confessed that he murdered the five persons with his own hand, and the sum of his statement is as follows:—He says that he was engaged to work for the deceased, but his rate of wages depended on his exertion; that the white servant had either that morning or the day before, told Mrs. Robertson that he was a lazy fellow, and that in consequence he watched an opportunity when the servant was asleep to split his skull open with an axe; that whilst he was committing the deed, the deceased, Mrs. Robertson, was standing at the door and saw him, and he judged it best to kill her also, which he did; he then murdered two of the children, and the third ran away, but was pursued and caught by him, and thrown over the cliff into the sea; he then set fire to the house, first taking out of it what he deemed valuable, and threw the bodies into the flames. When the coroner examined them they were much mutilated.

He has since entered more into detail, varying his story slightly; he attributes to Mrs. Robertson some breach of contract, and assigns this as his motive for committing this dreadful murder.

The occurrence I have above related shows a degree of malignity in the New Zealand character, which is not borne out by any of the reports that have hitherto been given. It is certainly a shocking instance of the turpitude of man, when unrestrained by moral or religious influence; but I have great reason to hope and believe that this unhappy affair is not to be taken as a specimen of the race, even when unreclaimed.

The chief Maketu was always a wicked man, and was much associated with low white people, yet he professes to be a Christian, and states that even when engaged in his usual prayer in the evening, he contemplated this diabolical deed. Since his confinement in gaol several of his letters have been intercepted, in which he endeavours to excite his friends to acts similar to his own, and in one

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he advises the murder of the Governor secretly, and the sudden attack of the troops, whom he proposes to annihilate.

In the excited state of the native feeling, I deem it right to be on my guard, and the troops are concentrated in the defensible barrack, and much precaution is taken, without any display. But I cannot entirely relieve my mind of apprehension for those persons who are in out-stations and unprotected.

The military force is so small that it admits not of separation, and the feelings and pride of the natives are much offended that a chief should be exposed to such indignity. Had he been killed on the spot, but little excitement would have been manifested, for his crime is viewed with horror. But to expose him to an open trial, and then probably to the shame of a public execution, is considered a degradation on the whole aboriginal race. Had his offence been less atrocious, or had his guilt not been so clearly established, I feel convinced that we should have had a severe struggle to carry the law into execution. As it is, although native opinion is much divided, there is still great excitement prevailing, and we feel greatly the want of force to check any ebullition that may arise.

I have repeatedly represented to your Lordship the necessity for more troops in this colony, and I again very respectfully urge it; always reminding your Lordship that every native is armed, and that the slightest provocation will be sufficient to excite them to deeds of violence, which the presence of an imposing military force would avert or overcome.

I deem it right to inform your Lordship, that at the earliest sitting of the Supreme Court, this case shall be brought forward for trial, and in the event of it being proved, no delay shall take place in the due execution of the sentence that may be passed.

I have, &c.

(signed) *W. Hobson.*

—No. 69.—

(No. 47.)

No. 69.
Lord Stanley to
Governor Hobson.
8 June 1842.

COPY of a DESPATCH from Lord *Stanley* to Governor *Hobson*.

Sir,

Downing-street, 8 June 1842.

I HAVE received your despatch, No. 41, of the 16th of December last, reporting the circumstances attending the murder of a widow woman named Robertson, her man-servant, and her two children, with one native child, by a native named Maketu.

I should have felt it extremely difficult, if not impracticable, to have conveyed to you at this distance any decided instructions in regard to the punishment of the criminal; but the occasion has long since passed by. I can only express my hope that, in the punishment of the crime, which was absolutely necessary, you may have taken that course which would be least offensive to the feelings of the natives.

I am, &c.

(signed) *Stanley.*

—No. 70.—

(No. 8.)

No. 70.
Governor Hobson
to the Principal
Secretary of State
for the Colonies.
12 March 1842.

EXTRACT of a DESPATCH from Governor *Hobson* to the Principal Secretary of State for the Colonies; dated Government House, 12 March 1842.

In the case of Maketu, at the Bay of Islands, I am happy to inform your Lordship that the excitement which prevailed to a considerable extent on his capture, and which it was apprehended would be followed with violence, has subsided into perfect tranquillity.

The unhappy culprit was brought to this place in the colonial brig *Victoria*, and here remained in prison until the 1st instant, when he was tried before the
Supreme

Supreme Court, and condemned to suffer death, which sentence was carried into execution, in the most solemn and impressive manner, on the 7th instant.

On the day of trial the court was crowded with natives, and every word that was uttered, whether in Maori or in English, was faithfully interpreted by Mr. Clarke, jun., a sub-protector of aborigines. The native witnesses gave their evidence in a clear and perspicuous manner; and the prisoner was defended by Mr. Brewer, who, being the only councillor in the place besides the Attorney-general, was retained by the Government for the occasion.

It is highly gratifying to me, that every native I have conversed with, or whose sentiments have been reported to me, fully acknowledges the impartiality of the trial, and the justice and propriety of the sentence.

Although this event will form the subject of a separate report, I allude to it in this despatch as a proof of the advance of our institutions, and the powerful moral influence the Government has acquired over this semi-barbarous race.

Although I have reason to consider the results of the foregoing case as having terminated in a manner highly satisfactory, I regret that I cannot report universal tranquillity. The natives of Kaipara are at this moment in a state of considerable excitement, in consequence of unfounded and inflammatory reports, which the lower order of white people have circulated amongst them. Even the notice in the London papers, that certain lands would be sold in New Zealand, has been construed to them into a proof that Her Majesty's Government mean to seize upon their lands; and a notice respecting Kauri timber, which I issued, and which only had reference to the unrestrained and profligate destruction, by sawyers and others, of that valuable staple, was converted into the means of exciting the most alarming apprehensions that the property of the natives would not be respected, and that the treaty was a mere farce. These ruffians have even taken advantage of the imprisonment and trial of Maketu to show that the British Government have no respect for their rights and customs, and that they will in a short time overturn them altogether. Unfortunately, from their close intercourse with the natives, the most abandoned white people have an extraordinary degree of influence over them; and the most unfounded statements by them find amongst the natives immediate credence. I have done all in my power to avert this evil, by publishing monthly, in the Maori language, and issuing gratis for the present, a gazette, containing all such facts, as may best serve to disabuse their minds; and the protector of aborigines, who is at this moment on a journey into Kaipara and through the north, endeavours with great zeal to dispel these groundless alarms.

The news just received from the north is not, I am sorry to say, of a more satisfactory nature. The natives violently resist the claims of the Company at Wanganui, and seem to threaten pretty generally great opposition to parting with their lands throughout the districts sold by the Company.

I have the honour to inclose, for your Lordship's information, two letters, which I have received on this subject, one from G. F. Dawson, esq., and the other from Mr. King, a highly respectable magistrate at Wanganui.

At the period of writing this letter I have received a communication from the Rev. Mr. Hatfield, informing me that the natives of Wanganui resolutely object to part with their land on any conditions.

In my communication with Colonel Wakefield, having a strong presumption that purchases had been loosely contracted on the part of the Company, I promised to allow any defect in his engagements to be corrected by after payments, in order that the wishes of Her Majesty's Government might with greater certainty be fulfilled, and that the settlers under the auspices of the Company should not be exposed to disappointment. But I never pledged myself, as I have heard it has been asserted, to allow the purchase of any land by the Company after the proclamation, except to permit subsequent demands of the natives to be satisfied.

Mr. Spain, the commissioner, is about to depart for Wellington and Wanganui, and I trust he will definitively settle this matter.

I regret that this morning I have heard of renewed outrages by the natives of Kaipara on the properties of several white inhabitants of that district. I gather from the deputation, who waited on me on this subject, that the acts of the natives were provoked by some supposed desecration of their tapued ground.

It is a source of great regret to me that I have not sufficient power to demand and enforce the abolition of these practices, as it generally happens that the

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violence of the natives is not directed against the individual person who has committed the aggression, but against every unprotected white settler in the neighbourhood.

Enclosure 1, in No. 70.

Encl. 1, in No. 70.

Sir,

Wanganui, 11 January 1842.

I HAVE the honour to acquaint you, for the information of his Excellency the Governor, with a report which prevails here that the Taupo tribe intend an immediate descent on Wanganui. I beg leave to enclose a copy of a circular letter which I have addressed to the magistrates and principal inhabitants on this occasion, and I beg leave to call your attention to the enclosed answers of the Rev. John Mason and E. J. Wakefield, esq., justice of the peace.

The latter gentleman, who has lately resided for some time amongst the Taupos and other hostile tribes, informed me on leaving Wanganui for the Taupo country, that it was his intention to proceed to Auckland, and now returns after an absence of nine weeks, stating that he could not proceed, because he was obliged to see Mr. Niblett, who accompanied him (and was taken ill) safe back again. Mr. Niblett has not yet arrived, and is journeying down the river by easy stages of five miles a day. I fear that mischief may be done before his Excellency's instructions can arrive, it is therefore my intention to write to the Taupo chief, requesting him to remain at peace with every one.

I have reason to suspect that the hostile chiefs meditate a surprise. Mr. Wakefield having said, when questioned by me on his arrival, a little before daylight yesterday morning, that they would be down in about a week, (his letter says next March).

The sectionists and settlers here generally, including Messrs. Nixon and Wilson, magistrates, are impatient to be put in possession of the land which they have chosen on the disputed territory, and seem to hope that the Taupo tribe may put them in possession, and I fear I shall be unable to preserve the peace.

I shall endeavour to persuade the Rev. Mr. Mason to go up the river to dissuade the Taupos from coming down.

With regard to the natives of Waikanoï, there is no doubt that they, with their allies, are able to beat any party which the Taupos and their friends may send down.

The Waitotera people can muster only, I believe, about 300 at the utmost, and would run into the bush. The reported force of the Taupos and their friends amounts to 900 or 1,000 men, that of the Waikanoï people, including their supporters from New Munster, at least 2,000. I have to regret the want of my friend the Rev. Oct. Hadfield's assistance on this occasion, he being very seriously ill at Waikanoï.

I have, &c.

(signed)

Gilbert Francis Dawson,

Police Magistrate.

The Honourable the Colonial Secretary.

Enclosure 2, in No. 70.

Encl. 2, in No. 70.

Sir,

Wanganui, 11 January 1842.

I HAVE the honour to request that you will do me the favour of sending me such information as you may possess relative to the report of an intended irruption of the Taupo tribe into this district, in order that I may take precautionary measures for the preservation of the peace, and report the same to his Excellency the Governor.

I should further feel obliged by your giving me the benefit of your advice on the subject.

I am, &c.

(signed)

Gilbert Francis Dawson,

Police Magistrate.

[Addressed severally to E. J. Wakefield, Peter Wilson, Samuel King, and John Nixon, Esqrs., the Rev. John Mason, and Captain Campbell.]

Enclosure 3, in No. 70.

Encl. 3, in No. 70.

Sir,

Wanganui, 11 January 1842.

I HAVE the honour to acknowledge the receipt of your letter of this day, requesting such information as I may possess relative to the report of an intended irruption of the Taupo tribes into this district.

I have just returned from Taupo, and when there, heard that the tribes thereabouts intended to proceed in the course of a month or two to Waitotara, with the inhabitants of which place they have been for some years at deadly feud.

I also

I also heard that they intended to come by way of this settlement, and that they would be joined by natives from Rotorua, the Bay of Islands, the East Cape, and other parts to the northward, so as to number 700 or 800 fighting men.

I think, from what I heard, that they also intend to attack Waikanai in conjunction with the Ngatirau Kaioa tribes, who inhabit Manewatu and Otaki.

There is not, however, the slightest danger of any harm resulting to white people here from the passage of the Taupo tribes on their way to war. On the contrary, should any of their more ill-disposed allies from Rotorua, or the Bay of Plenty, meditate an attack on any white man without just cause of provocation, I feel certain that the Ngatepehi or Taupo chiefs would assemble their men in our defence.

The only breach of peace which is likely to be the consequence of their movements, is a quarrel between them and some of the missionary tribes on this river, with whom they are not on the best of terms; but I am confident that any attempt, uncoupled with the necessary force, to interfere with the quarrels between them and other natives, will be productive of more mischief than good. Mr. Mathews, of the Church Mission, who was lately living here, and who used his utmost endeavours to turn back the Taupo tribes on two former occasions, bears the reputation among the latter of having been the instigator of an act of treachery of which the Waitotara people were guilty, and which their enemies are determined never to forgive; and thus interference, though for the best of motives, is often construed by the natives into a wish to favour one party or the other. It is not to be forgotten either that the chiefs who head these tribes deny having made any cession either of their sovereignty or their land, and strongly resent any attempt to restrain their actions or their authority, so long as these are confined within the bounds of purely native politics.

I think it probable that the war party will arrive on the banks of this river about the beginning or middle of March. Such at least was the time they chose last year; and it is at that time that the plantations are in the best state for feeding them as they progress.

Should you require any further particulars, which I have omitted to mention, I shall be most happy to communicate them as far as my knowledge may serve.

I am, &c.

G. F. Dawson, Esq. J. P.
&c. &c. &c.

(signed) E. Jerningham Wakefield.

Enclosure 4, in No. 70.

Sir,

Wanganui, 11 January 1842. Encl. 4, in No. 70.

I HAVE to acknowledge your letter of this date, soliciting such information as I possess, relative to the report of an intended irruption of the Taupo tribe into this district.

I regret that I have nothing certain to communicate. The rumour has existed for a considerable time, and the probability of the event is strengthened by the circumstance of their having intimated the intention of returning hither this year when they were with us in March or April last.

What may be the object of their visit I have no means of knowing, but judging from what occurred last year, I entertain no apprehension as regards our safety. Previous to that visit numerous stories, broadly asserted and diligently asserted, were rife among us, all of which however their conduct and demeanor towards us most satisfactorily falsified.

In the event of their again coming down, I believe that our policy of last year will be the best rule for us to follow, viz., to receive them as friends, and to leave them to find out whether we regard their presence or their absence as most desirable.

I have &c.

G. F. Dawson Esq. P. M.

(signed) P. Wilson, J. P.

Enclosure 5, in No. 70.

Wanganui, Thomas-street, Encl. 5, in No. 70.
11 January 1842.

Sir,

I HAVE been honoured with a communication from you of this date, requesting information "relative to a report of an intended irruption of the Taupo tribe into this district".

That such a report is afloat, I am aware, but beyond this I know nothing.

Judging from the past, I am inclined to think that it is not an "irruption" of the tribe, but only a ceremonial visit stimulated perhaps by a little curiosity; the expectation of trade—and may be the adjustment of some petty differences with our neighbouring paths.

I do not imagine that the white population are at all likely to be involved. It will be our policy to treat the strangers with courtesy; perhaps forbearingly, as aliens to our manners and customs; but I do not anticipate aggression from them; they are too astute a people to embroil themselves with Europeans.

This same Taupo tribe visited us in April of last year, perhaps to the number of 400, a moiety of whom were warriors. Their coming was heralded by "warnings and portents of evil intentions;" but, their visit passed away innocuous as the summer cloud.

I have, &c.

Gilbert Francis Dawson, Esq.
Police Magistrate.

(signed) Samuel King, J. P.

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Enclosure 6, in No. 70.

Encl. 6, in No. 70.

Sir,

Wanganui, 11 January 1842.

IN reply to your's of to-day's date, requesting information relative to the report of a fighting party coming from Taupo, I have the honour to inform you that a messenger from Taupo arrived a few days ago in Wanganui, with the following report: That ten days ago the fighting parties in the neighbourhood of Taupo were beginning to assemble at Taupo, with the intention of coming in a body to fight with the people of Wanganui; that they intended to make their attack in the night: and I have dispatched a trusty native up the river to-day, who will let me know the earliest news from Taupo. To-morrow two other natives will proceed direct to Taupo, and, if opportunity should occur, will let me know the state of affairs there.

G. F. Dawson, Esq.
Police Magistrate, Wanganui.

I have, &c.
(signed) John Mason.

No. 71.
Governor Hobson
to the Principal
Secretary of State
for the Colonies.
14 March 1842.

(No. 10.)

— No. 71. —

COPY of a DESPATCH from Governor *Hobson* to the Principal Secretary of State for the Colonies.

My Lord,

Government-House, Auckland, 14 March 1842.

REFERRING to my despatch, No. 8, I have the honour to enclose a copy of the minute of the Executive Council which was held in the case of the native chief Maketu, on his being sentenced to suffer death for the murder of Mrs. Robertson, her two children, her servant, Thomas Bull, and a half-caste native child that was committed to her charge.

By the enclosed copy of a warrant, addressed to James Coates, esq. the sheriff, and copy of his report, your Lordship will be informed that the sentence was carried into execution on the 7th instant, in front of the gaol of Auckland.

I may be allowed to express my satisfaction, that the unfortunate culprit admitted the justice of his sentence; that he died a perfect penitent, fully impressed with the truths of Christian revelation, and with confident hopes of a blessed resurrection in Christ. The Reverend Mr. Churton attended him most assiduously to the latest moments of his life.

I have, &c.
(signed) W. Hobson.

Enclosure 1, in No. 71.

Encl. 1, in No. 71.

EXTRACT from the MINUTES of the Executive Council, of Saturday the 5th day of March 1842.

HIS HONOR the Chief Justice being in attendance, was introduced.

The sentence of death having, at the late sitting of the Supreme Court, been passed on Maketu, a native, for murder, the question was brought under the consideration of the Council, whether, under the 59th article of the Royal Instructions, the presence of the presiding Judge, and a special report from him on that case, was necessary. On mature consideration of that article, the Council were of opinion that, except in cases where his Excellency the Governor proposed to commute or respite the sentence of death, the presence of the Judge, and the special report, were not necessary.

The Council having come to the foregoing conclusion, and the following sentence having been passed, That "You, Maketu, be taken to the place from whence you came, and from thence to the place of execution, at such place and at such time as his Excellency the Governor, with the advice of the Executive Council, may order and direct, and that you be then and there hanged by the neck until you be dead:" the next question brought forward for their consideration was, at what time and at what place it was expedient to execute such sentence. The Governor, with the advice of the Council, directed that the foregoing sentence be carried into execution at the plot of ground outside the gaol of Auckland, between the hours of eleven in the morning and two in the afternoon of Monday, the 7th day of March instant.

(True extract.)

(signed) J. Coates.

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Enclosure 2, in No. 71.

New Zealand to wit.—VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, and so forth.

Encl. 2, in No. 71.

To *James Coates*, Esquire, of the Town of *Auckland*, Sheriff, greeting :

WHEREAS Maketu hath been indicted of felony and murder, by him done and committed, which said indictment hath been certified before us in our Supreme Court; and the said Maketu hath been thereupon arraigned, and upon such arraignment hath pleaded "Not guilty;" and the said Maketu hath, before us, in our said Supreme Court, been tried, and, in due form of law, convicted thereof: And whereas judgment hath been given in our said Supreme Court, that the said Maketu be taken to the place from whence he came, and from thence to the place of execution, at such place and at such time as his Excellency the Governor, with the advice of the Executive Council, may order and direct, and that he be hanged by the neck until he is dead, the execution of which judgment yet remaineth to be done: We require, and by these presents strictly command you, that upon Monday the 7th day of March instant, between the hours of 11 in the morning and two in the afternoon of the same day, him, the said Maketu, you forthwith convey to the front of the common gaol of the said town of Auckland, and that you do cause execution to be done upon the said Maketu, in all things, according to the said judgment. And this you are by no means to omit, at our peril.

Witness, our trusty and well-beloved William Hobson, esquire, Captain in Her Majesty's Royal Navy, Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand and its Dependencies, and Vice-Admiral of the same, &c. &c. this 7th day of March, in the year of our Lord 1842, and in the fifth year of our reign.

(I. s.)

(signed) *W. Hobson*, Governor.

(True copy.)

J. Coates, Sheriff.

Enclosure 3, in No. 71.

(No. 42/13.)

Sir,

Sheriff's Office, Auckland, 7 March 1842.

Encl. 3, in No. 71.

I do myself the honour to inform you, that, in compliance with the warrant under the hand of his Excellency the Governor, I this day, between the hours of 11 o'clock in the forenoon and two o'clock of the afternoon, caused execution to be done on the body of the native Maketu.

I have, &c.

The Hon. the Colonial Secretary, &c. &c. &c.
Auckland.

(signed) *J. Coates*, Sheriff.

—No. 72.—

(No. 41/42.)

COPY of a DESPATCH from Governor *Hobson* to the Principal Secretary of State for the Colonies.

No. 72.
Governor Hobson
to the Principal
Secretary of State
for the Colonies.
16 Dec. 1841.

Government House, Auckland, New Ulster,
16 December 1841.

My Lord,

I HAVE the honour to acquaint your Lordship that, pursuant to a notice duly given, the Legislative Council of this colony met on the 14th instant, and that a copy of my speech, fully disclosing the policy of the local government, is hereby forwarded, which I trust will be found to accord with the instructions with which your Lordship did me the honour to furnish me.

I will avail myself of the earliest opportunity of conveying to your Lordship the result of the proceedings of the Council on the weighty matters to be brought under their notice.

I have, &c.

(signed) *W. Hobson*.

OPENING OF THE LEGISLATIVE COUNCIL.

14 December 1841.

THIS day his Excellency Captain Hobson, Governor of the Colony of New Zealand and its Dependencies, opened the second session of the Legislative Council. His Honour W. Swainson, esq. the attorney-general, took the usual oath of office. W. F. Porter, esq. of Auckland, and G. Earp, esq. of Port Nicholson (being new members), took the usual oaths of supremacy and allegiance. The full Council then consisted of the following members :

His Excellency the Governor, Willoughby Shortland, esq. colonial secretary, W. Swainson, esq. attorney-general, George Cooper, esq. colonial treasurer, W. F. Porter, esq. and J. R. Clendon, esq.

His Excellency delivered the following speech :

" Gentlemen, I have taken an early opportunity of again calling you together.

" Since the last meeting of the Council circumstances have occurred which render it necessary that I should again bring under your consideration the subject of the land claims ; on the successful settlement of this question the future prosperity of New Zealand is chiefly dependant.

" Her Majesty's Government having made an arrangement with the New Zealand Company that there should be granted to them, in respect of their claims to land in this colony, four times as many acres as they have expended pounds in the original purchase from the native chiefs, and in the introduction of emigrants into the colony, and having also declared their intention to apply the same rule to all other claimants, it is necessary that an ordinance should be passed by the Council with a view to carry these objects into effect.

" A more extended experience of the nature and extent of claims to land in this country, has forced upon my mind the conviction that it is essential to the successful colonisation of New Zealand, that the Act passed by the Governor and Council of New South Wales, and subsequently adopted by the local legislature, should be wholly remodelled. The claims which have been preferred under the authority of those Acts are so numerous, and the quantity of land claimed so extensive, as to comprise every available tract of land in the three islands.

" The power of determining what part of a colony shall, from time to time, be opened for settlement, must always belong to the local government. Foreseeing the impossibility of colonising New Zealand with effect, without this power, Her Majesty's Government, in order to secure it, made it one of the principal articles of the treaty with the chiefs, that no land should be sold by them, except to Her Majesty.

" By the existing law, the Governor of New Zealand is authorised to grant to all successful claimants, at least a portion of the particular land claimed by them.

" So numerous, however, are the claims, that to grant the particular land claimed would virtually be foregoing the important power of prescribing the limits within which settlements should be formed : it would leave it in the power of all to whom land might be granted, to lay it out, and to dispose of it for townships ; and, as the claims extend to every part of the three islands, in every direction, there would be no limits within which settlements might be confined.

" The interests of the claimants themselves, too, suggests the necessity of some alteration in the existing law. Until the land to be granted shall have been surveyed, and accurately defined, it cannot be made available as a marketable property, for sale, or for the purposes of a loan. With any surveying staff within the means of the colony, many years would necessarily elapse before the numerous and widely-scattered claims could be satisfactorily disposed of ; as by far the greater number of them, too, are in districts remote from any regular settlement, the land staff would long remain of little more than a nominal value. It becomes important, therefore, to devise some plan by which grants of land may be made consistently with the interests of the claimants, and without, at the same time, endangering the future prosperity of the colony.

" I propose, therefore, to lay before you a bill, to repeal so much of the ordinance now in force as relates to the rule by which the quantity of land is, in each case, to be determined ; and also such of the clauses as give to the Governor the power of granting any part of the particular land claimed, and to substitute, for all parties, the rule prescribed for the New Zealand Company.

" For the general interests of the colony it is desirable that vigorous settlements should be formed at Manukao, in the neighbourhood of the Tamaki, at the Bay of Islands, and at the Hokianga.

" Means will immediately be taken for completing an accurate survey of these districts, and for hastening the conclusion of the Commission of Inquiry. As soon as these objects can be effected, each district will be divided into town, suburban, and country allotments. A portion of the Manukao district will be set apart to satisfy the claims arising in this neighbourhood, and southwards, down to Stuart's Island. A portion of the Bay of Islands and Hokianga districts will be appropriated to claimants northwards of Auckland,

" It

"It is proposed that the claimants of land should be allowed to select, in order, according to the priority of their claims, one suburban allotment, to consist of from 5 to 20 acres, for every 100 acres to which they may be found entitled. The residue they will be allowed to select from the nearest country land open for settlement. Every alternate allotment will be reserved until the selections shall be completed, when they, together with the town allotments, will be immediately offered for public competition.

"Population is chiefly instrumental in giving value to land. All the neighbouring colonies furnish proofs that new land rises in value in proportion as population is congregated in its vicinity. By the plan suggested for your consideration, the evils of numerous scattered settlements will be avoided; the claimants of land will, within a reasonable period, acquire an available marketable property, and the most effectual means will be taken of giving to that property a highly and rapidly increasing value.

"Among the claimants are many who, by the cultivation of the soil, and the establishment of whaling and sawing stations, and the erection of substantial buildings, have proved themselves to be *bonâ fide* settlers. In addition to the land to be granted to them, under the foregoing arrangement, they will be allowed a lease, at a nominal rent, for such a period as will enable them to reap the full advantage of their improvements, of so much of the land as they have actually cultivated, or which will enable them profitably to continue the business of their establishments.

"If any part of the land so occupied shall, at any time, be required for the purpose of forming a township, it will be resumed by the Government, and compensation will be made to the lessee for the value of his lease on equitable terms.

"The various mission stations it is intended to exempt from the general rule. Whatever difference of opinion may be entertained as to the value and extent of the labours of the missionary body, there can be no doubt that they have rendered important services to this country, or that, but for them, a British colony would not at this moment be established in New Zealand.

To the several parent societies, and to the individual members of those bodies, a grant will be made of so much of the land claimed by them as they have brought into actual cultivation, or which they actually occupy; all claims beyond this will be dealt with in all respects as any other claim. By these means, I have every reason to believe that three prosperous settlements may be formed, and that the interest of parties entitled to grants of land will be much more effectually promoted, than if grants were made to them of a part of the land actually claimed by them.

"I have entered at this great length into the developement of my views on this important subject, in order to prevent their being misconceived or misrepresented, confidently trusting, that when carried into execution, the plan proposed for your consideration will be instrumental in promoting what will ever be to me an object of increasing interest, the future prosperity of this important colony.

"Since the last meeting of the Council, I have visited Port Nicholson, the site of the New Zealand Company's first and principal settlement. From the zeal and vigour with which that Company have conducted their operations, the enterprising, energetic, and independent character of their settlers, and from the natural advantages of its harbour, there can be no doubt that Port Nicholson will soon become a very valuable and important settlement. From my own personal knowledge of the character of the gentlemen selected as the leaders of the Company's more recent settlements, I should anticipate, with equal confidence, the successful establishment of Taranaki and Blind Bay.

"When New Zealand was erected into an independent colony, the machinery of its Government was too imperfect to enable us at once to mature those enactments which, in addition to the statute and common law of England, were required by the peculiar circumstances of a young community. I, accordingly, at the first session of the Legislative Council, proposed for their adoption a bill for giving effect in New Zealand to the laws of New South Wales. It is with much pleasure I have now to inform you that I hope to be able to prepare for your consideration such enactments as will render New Zealand a really distinct and independent colony.

"The numerous settlements that have been formed within its limits necessarily render the Government of the colony expensive. From the natural character of the country, it is probable that it will be colonized in numerous and detached situations. Under the most favourable circumstances, it cannot be reasonably expected that, at the outset, the income of a colony shall be equal to the expenditure. I have every reason, however, to believe, that no long time will elapse before New Zealand will be independent of pecuniary aid from the mother country.

"I have great pleasure in being able to state, that up to the present moment, wherever settlements have been formed, the best feeling continues to prevail between the two races of Her Majesty's subjects. To the native population we continue to be indebted, in a great measure, for the principal necessities of life, and, already, to a considerable extent, for one of the principal elements of national prosperity—a due supply of labour. Crimes against person or property are rare among them; and when committed, the natives themselves have always rendered their active and efficient aid in furthering the ends of justice.

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"It is important that we should, as soon as possible, proceed to the establishment of a supreme court. I have ordered a Bill for that purpose to be laid on the table for your consideration."

The clerk of the councils was then directed by his Excellency to lay the following Bills on the table :—

- 1st. Supreme Court Bill.
- 2d. County or District Court Bill.
- 3d. Jury Bill.
- 4th. Conveyancing Bill.
- 5th. Municipal Corporation Bill.
- 6th. New Zealand Banking Company's Bill (Private).

His Excellency then ordered that the aforesaid Bills be printed, and that the same be read the first time on Friday, the 17th December 1841.

The Council then adjourned till Friday, 17th December, at 12 o'clock.

No. 73.
Lord Stanley to
Governor Hobson,
11 July 1842.

— No. 73. —

(No. 54.)

COPY of a DESPATCH from Lord *Stanley* to Governor *Hobson*.

Sir,

Downing-street, 11 July 1842.

I HAVE received your despatch No. 42, of the 16th December 1841, forwarding a copy of the speech which you addressed to the Legislative Council of your Government on the 14th of the same month, communicating the arrangements which you proposed for the settlement of land claims within the colony.

I referred that despatch to the Colonial Land and Emigration Commissioners; and, in transmitting a copy of their Report for your information, I have to express my general concurrence in the remarks which that Report contains. I have, however, to add that, in a case so anomalous as the satisfaction of claims for past expenditure, under titles which are the subject of local investigation, I feel that I must necessarily leave much to you and your Council. It will be necessary to observe great care, in respect of previous claims, to keep strictly within the limits of advantage offered to the New Zealand Company by Mr. Vernon Smith's letter of the 18th of November 1840; and in respect of future sales, you will of course be governed by the recent Act of Parliament for regulating the sale of Crown lands in Australia and New Zealand, which must overrule any colonial legislation.

I have, &c.

(signed) *Stanley*.

Enclosure in No. 73.

Encl. in No. 73.

Sir,

Colonial Land and Emigration Office,
9, Park-street, Westminster, 24 June 1842.

WE have the honour to acknowledge the receipt of your letter of the 14th instant, transmitting to us for our Report the copy of a despatch from the Governor of New Zealand, with a copy of his speech, communicating to the Legislative Council his proposed arrangements for the settlement of land claims within the colony.

The Governor informs the Council that it is necessary to modify the existing law respecting land claims, because experience has proved, that under its provisions claims of such magnitude might be established as to comprise every available tract of land in the three islands, and the consequent dispersion of the claimants would be so great, that the local Government would be powerless in directing the course of settlement, as well as unable for many years to ascertain the boundaries of the lands which were claimed. The Governor further states, that Her Majesty's Government having made an agreement with the New Zealand Company, to the effect that there should be granted to them four times as many acres as they have expended pounds in their original purchase, and in the introduction of emigrants; and having declared that the same rule should be applied to all other claimants, it is necessary that an ordinance should be passed by the local legislature to carry this object into effect. Under these circumstances a bill was to be laid before the Council for the purpose of repealing those parts of the existing ordinance which prescribe the mode of determining

For Mr. Vernon Smith's Letter, 18 Nov. 1840, vide Papers relative to New Zealand, ordered by the House of Commons to be printed, 11 May 1841, No. 311, page 85.

24 June 1842.

determining the quantity of land to be granted in each case, and which empower the Governor to grant any part of the particular land claimed, and of substituting for all parties the rule prescribed for the New Zealand Company.

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The Governor next states that he will cause an accurate survey to be immediately made of three districts, in which it seems to him most desirable that settlements should be first formed. Each district will be divided into the three usual classes of allotments, and as soon as outstanding claims to land shall be adjudicated upon, grants will be made to the claimants from the land situated in one of these surveyed districts, the district being chosen in each case according to the part of the colony in which the claim had arisen. These grants, however, are not to comprise town, but only country and suburban allotments, the latter of which will bear a proportionably higher value than the former. Every alternate allotment is to be reserved to the Crown until the selections by the claimants are completed, when they, together with the town allotments, are to be offered for public competition.

Exception is proposed to be made from the general rule, under which all claims are thus to be settled. First, In favour of those who, by their local expenditure, have proved themselves *bonâ fide* settlers, and to them leases, at nominal rents, of the land they cultivate or occupy, are to be granted; and, secondly, in favour of several parent missionary societies, and of the individual members of those bodies; and to them a grant is to be made of the land which they have brought into cultivation, or which they occupy, and their claims beyond this are to be dealt with as any other claim.

In the proposal to satisfy claims that may be established for land, in compact and surveyed districts, instead of attempting to provide for them by detached grants, scattered over the whole of New Zealand, we concur. In expressing this concurrence, we assume that the Governor will not be debarred from assigning to claimants land already occupied by them, if from the extent of improvements, or any other cause, it should seem expedient, and should at the same time be practicable, without detriment to public interest.

On two remaining parts of the arrangement, namely, the proposed alteration of the lots, and the exception of particular parties from the general rules, there are some remarks which appear to us to require consideration.

As regards the first, we would not offer any objection to the principle of the plan. Its effect may be, as the Governor anticipates, to give some immediate increase of value to the allotments which will remain the property of the Crown, and this must be deemed a desirable object, inasmuch as the extent of land which in all probability will be assigned to actual claimants is so large, that the future demand for Crown lands, at a comparatively high price, may become extremely limited. Adverting, however, to the possibility that neither very early nor very extensive purchases of these reserves may be made, and also to the evils which have elsewhere resulted from the interposition of vacant amongst occupied lands, it appears to us of importance that the size and shape of the allotments to be reserved for the Crown, under the proposed arrangement, should be so regulated as to interfere with and obstruct as little as possible the communication between the occupiers of the adjacent lands. Without knowing their dimensions we can form no positive opinion, but can only say that if, as we should hope, there are no circumstances to require the reserved sections to exceed half a square mile, we should feel no objection to trying the effect of this part of the plan.

With regard to the second point above noticed, we would venture to submit our opinion that it is not desirable to except any individuals or classes having claims for land in the colony from the operation of the general rules established on the subject, nor do we see any necessity for the particular exception now proposed, in the circumstances of the parties in whose favour it is to be made. If the object should be, as we can well understand it might be, to allow the *bonâ fide* settlers or the missionaries to remain upon the spots which they have cultivated or occupied, it might then be desirable for the Governor to satisfy the claims which they may establish before the Commissioner for a certain amount of land, by granting to them the actual land which they have cultivated or occupied; but we can see no reason why the lease or grant of such land should be conferred on them in addition to the other land which they will obtain under the regular award upon their claims; and we may add the remark, that the leases which it is proposed to grant at a nominal rent, and for a period so indefinite as that which is named by the Governor, may be expected in every case to be equivalent to a grant. Feeling, therefore, under the circumstances little doubt that any distinction between different settlers and classes of settlers is unjust, and considering also, with respect to one of the parties whom it is proposed to favour, that it is not to indulgences above the rest of the community in obtaining land that the missionaries can be supposed to look for the remuneration of their services, we would submit to Lord Stanley that it is expedient that the claims of all parties to land in New Zealand should, without distinction, be adjusted upon one and the same principle.

Subject to these remarks, we see no reason why the plans proposed by the Governor should not be approved.

We are, &c.
(signed) T. Fred. Elliot.
Edward E. Villiers.

James Stephen, Esq.
&c. &c. &c.

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— No. 74. —

No. 74.
Governor Hobson
to the Principal
Secretary of State
for the Colonies,
16 Dec. 1841.

(No. 41/44.)

COPY of a DESPATCH from Governor *Hobson* to the Principal Secretary of State for the Colonies.

My Lord,

Auckland, 16 December 1841.

It is with extreme regret I have to report the death, by drowning in the Manukau, of the late Captain Symonds, of the 96th regiment, which occasions a vacancy in the office of Deputy Surveyor-general of this colony.

The loss to New Zealand of so valuable an officer as the late Captain Symonds will be long felt as a public calamity. His energy, zeal and manly bearing, are qualities much wanted in a new colony, and these he possessed in an eminent degree; in addition to which, his urbane manners secured for him the affection and respect of all classes, both native and European.

I have the honour to inclose a paragraph cut from a newspaper, which describes more particularly the melancholy event which consigned this excellent officer to a premature grave.

I have, &c.

(signed) *W. Hobson.*

Extract of Auckland Herald, dated 27 November.

Enclosure in No. 74.

Encl. in No. 74.

EXTRACT from the *Auckland Herald*, dated 27 November 1841.

“Captain W. Cornwallis Symonds was drowned on Tuesday, in Manukau Bay. The following particulars of this melancholy occurrence will, we believe, be found substantially correct: Mrs. Hamblin, wife of Mr. Hamblin, the missionary at Manukau (who was absent from home), being very ill, sent a message to the *Brilliant*, lying in the bay, to request that if there was a surgeon in the ship he would attend her. Captain Symonds having heard the circumstance, and knowing there was no surgeon on board, did that which those who knew him might have calculated upon, for with the active kindness and benevolence which so distinguished him, he immediately resolved to procure medicines from the ship, and cross the bay to Mrs. Hamblin’s residence. He accordingly proceeded on board the *Brilliant*, and having made his arrangements, he, by the advice of the Captain of that vessel, in consequence of the day being gusty, and there being at the time a considerable sea, took the ship’s long boat instead of his own; he was accompanied by Mr. Adam, a gentleman who came out from Scotland in the *Brilliant*, and settled at Manukau, two European seamen, and a native. Shortly after leaving the vessel, a violent and sudden squall struck the boat, which was observed to go down head-foremost, about a mile from the ship. Two boats were immediately lowered from the *Brilliant*; but we understand that, owing to the dangerous sea running, it was found impracticable to proceed to the unfortunate men, and those in the ship were compelled to witness their unhappy fate. The two seamen disappeared almost immediately. Mr. Adam swam for a long time, in company with Captain Symonds, but at length sunk. Captain Symonds, who was an expert and powerful swimmer, was observed to make the most extraordinary exertions. He swam more than an hour and twenty minutes, encumbered with a particularly heavy kind of nailed boots, and two thick pea coats, (which latter he was seen attempting to take off), and had nearly gained the shore, when he disappeared. He had done much for New Zealand, and from his talents and energy much more was expected. He was public-spirited and independent in the highest degree, and this event is a great calamity to the colonists of this country, as well as to the infant Company of which he was so able a director. The native, who accompanied them, through the interposition of Divine Providence, alone remains to relate the melancholy event.”—*Communicated.*

RETURN to an ADDRESS of the Honourable the House of Commons for, A RETURN showing in Columns the various ACRES or LOTS OF LAND in the Colony of *New Zealand* sold by Government, with the Extent of each Lot, and the several Prices per Acre obtained for such Lands, since those Islands became a *British* Colony; distinguishing the Lands purchased on behalf of Non-Residents, and those purchased by Resident Emigrants.

STATEMENT of TOWN ALLOTMENTS sold by Auction at *Auckland* on the 19th and 20th of April 1841, and the Prices received.

Colonial Treasury, Auckland, 22 May 1841.

THE TOWN ALLOTMENTS advertised in the Government Gazette, by the Notice dated 25th February 1841, have (exclusive of Lots 1 to 3, 13, 15, 32, 37, 46, 47, 63, 70 to 73, 78, 79, 81, 82, 85, 92 to 96, 99, 101 and 130, which have been reserved) been sold to the undermentioned Parties by Auction on the 19th and 20th April 1841, and the Price affixed to each respectively has been received, with the exception of the Amount of the Balance on sundry Lots to be paid in *Sydney*.

Lots.	Town.	Extent.			PURCHASERS.	Price.		
		A.	R.	P.		£.	s.	d.
4	Auckland	0	0	35	Simmons, Weston & Co.	245	-	-
5	"	0	0	38	James Williamson -	266	-	-
6	"	0	1	1	William Macdonald -	176	6	-
7	"	0	1	2	Edward Costly -	195	6	-
8	"	0	1	3	Frederick Whitaker -	182	15	-
9	"	0	1	4	Moses Joseph -	200	4	-
10	"	0	1	9	J. C. Crawford -	196	-	-
11	"	0	1	16	James O. B. Croker -	240	16	-
12	"	0	1	25	Robert Tod -	321	15	-
14	"	0	1	19	Willoughby Shortland -	315	13	-
16	"	0	1	34	Henry Tucker -	299	14	-
17	"	0	1	13	Want and Andrews -	159	-	-
18	"	0	0	32	- ditto -	128	-	-
19	"	0	0	32	- ditto -	102	8	-
20	"	0	0	32	- ditto -	161	12	-
21	"	0	1	4	Mrs. Ann Tod -	442	4	-
22	"	0	1	4	Moses Josephs -	253	-	-
23	"	0	1	4	William Mason -	202	8	-
24	"	0	2	10	Dudley Sinclair -	450	-	-
25	"	0	2	3	Moses Josephs -	365	4	-
26	"	0	1	34	Brown and Campbell -	314	10	-
27	"	0	1	27	Henry Thompson -	314	18	-
28	"	0	1	20	George Graham -	270	-	-
29	"	0	1	20	Robert Field -	223	-	-
30	"	0	1	14	James Watson -	226	16	-
31	"	0	1	7	Willoughby Shortland -	155	2	-
33	"	0	1	14	Patrick Donovan -	172	16	-
34	"	0	1	9	Alexander Kennedy -	213	3	-
35	"	0	1	19	New Zealand Banking Company -	295	-	-
36	"	0	1	19	George Cooper -	253	14	-
38	"	0	1	20	Samuel A. Wood -	318	-	-
39	"	0	1	32	I. Lord and J. Brown -	201	12	-
40	"	0	1	9	- ditto -	144	11	-
41	"	0	1	9	William Kendal and Samuel Marks -	124	19	-
42	"	0	1	12	Francis Hamilton -	135	4	-
43	"	0	1	16	Edward Costley -	137	4	-
44	"	0	1	26	Charles O'Neile -	132	-	-
45	"	0	1	36	J. C. Crawford -	178	12	-
48	"	0	2	5	I. Lord and J. Brown -	255	-	-
49	"	0	1	29	Felton Mathew -	127	13	-
50	"	0	1	32	Alexander Hepburn -	147	12	-
51	"	0	1	5	John Cunningham -	168	15	-
52	"	0	1	4	Gilbert F. Dawson -	-	-	-
53	"	0	1	4	James Coates -	228	16	-
54	"	0	1	6	Peter Williams -	184	-	-
55	"	0	1	5	I. Lord and J. Brown -	213	15	-
56	"	0	1	5	Henry Thompson -	227	5	-
57	"	0	1	5	Felton Mathew -	227	5	-
58	"	0	1	5	- ditto -	227	5	-
59	"	0	1	5	I. Lord and J. Brown -	225	-	-

(continued)

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Lots.	Town.	Extent.			PURCHASERS.	Price.		
		A.	R.	P.		£.	s.	d.
60	Auckland	0	1	5	I. Lord and J. Brown - - - - -	229	10	-
61	"	0	1	5	J. C. Crawford - - - - -	236	5	-
62	"	0	1	8	Heale, Sinclair & Co. - - - - -	254	8	-
64	"	0	1	7	George Cooper - - - - -	143	7	-
65	"	0	1	7	William Greenwood - - - - -	145	14	-
66	"	0	1	11	I. Lord and J. Brown - - - - -	191	5	-
67	"	0	1	25	James Harris and William Gordon - - - - -	143	-	-
68	"	0	1	30	George Benson - - - - -	140	-	-
69	"	0	1	29	William Mason - - - - -	148	7	-
74	"	0	1	19	James Coates - - - - -	179	19	-
75	"	0	2	11	John Johnson - - - - -	150	3	-
76	"	0	1	36	James Rule - - - - -	144	8	-
77	"	0	1	31	George Benson - - - - -	142	-	-
80	"	0	2	7	Willoughby Shortland - - - - -	265	7	-
83	"	0	1	25	George Cooper - - - - -	133	5	-
84	"	0	1	31	Dudley Sinclair - - - - -	198	16	-
86	"	0	1	31	Francis Fisher - - - - -	181	1	-
87	"	0	1	9	Robert Wigmore - - - - -	100	9	-
88	"	0	1	32	I. Lord and J. Brown - - - - -	151	4	-
89	"	0	1	32	- ditto - - - - -	270	-	-
90	"	0	1	6	J. Logan Campbell - - - - -	181	14	-
91	"	0	1	6	George M. Mitford - - - - -	138	-	-
97	"	0	1	38	Felton Mathew - - - - -	253	10	-
98	"	0	1	38	Willoughby Shortland - - - - -	319	16	-
100	"	0	1	10	William Goodfellow - - - - -	252	10	-
102	"	0	1	4	William Buckland and T. Henderson - - - - -	147	8	-
103	"	0	1	10	William Turner - - - - -	200	-	-
104	"	0	1	8	John Swainson - - - - -	132	-	-
105	"	0	1	8	Thomas Hellyer - - - - -	100	16	-
106	"	0	1	8	Patrick Sharkey - - - - -	96	-	-
107	"	0	1	8	William L. Standinger - - - - -	96	-	-
108	"	0	1	8	Thomas Wright - - - - -	136	16	-
109	"	0	1	1	J. Brown - - - - -	106	12	-
110	"	0	1	1	John Johnson - - - - -	118	18	-
111	"	0	1	6	E. M'Lennan - - - - -	241	10	-
112	"	0	1	17	C. T. Stone - - - - -	173	17	-
113	"	0	1	16	Hoggard and Pollen - - - - -	210	-	-
114	"	0	1	14	David Guillan - - - - -	186	6	-
115	"	0	1	12	- ditto - - - - -	150	16	-
116	"	0	1	8	Robert Tod - - - - -	290	8	-
117	"	0	1	5	Thomas Russell - - - - -	182	5	-
118	"	0	1	5	I. Lord and T. Brown - - - - -	180	-	-
119	"	0	1	4	Dudley Sinclair - - - - -	220	-	-
120	"	0	1	3	J. A. Brown - - - - -	172	-	-
121	"	0	1	3	Heale, Sinclair & Co. - - - - -	215	-	-
122	"	0	1	3	Frederick Whitaker - - - - -	129	-	-
123	"	0	1	3	Alexander Dingwall - - - - -	90	6	-
124	"	0	1	3	John Nolan - - - - -	73	2	-
125	"	0	1	13	Alexander Ross - - - - -	95	8	-
126	"	0	0	34	Dudley Sinclair - - - - -	49	6	-
127	"	0	0	34	- ditto - - - - -	142	16	-
128	"	0	1	0	- ditto - - - - -	94	-	-
129	"	0	1	0	- ditto - - - - -	86	-	-
131	"	0	1	10	- ditto - - - - -	95	-	-
132	"	0	1	7	- ditto - - - - -	138	13	-
133	"	0	1	7	I. Lord and T. Brown - - - - -	133	19	-
134	"	0	1	7	- ditto - - - - -	117	10	-
135	"	0	1	7	William Brown - - - - -	108	2	-
136	"	0	1	7	Thomas Greenier - - - - -	98	14	-
137	"	0	1	7	J. A. Brown - - - - -	129	5	-
138	"	0	1	7	Robert White - - - - -	129	5	-
139	"	0	1	7	S. Mills and R. Condon - - - - -	94	-	-
140	"	0	1	7	J. Brown - - - - -	96	7	-
141	"	0	1	7	Dudley Sinclair - - - - -	155	2	-
142	"	0	1	3	Gilbert F. Dawson - - - - -	67	12	-
143	"	0	1	3	George M. Mitford - - - - -	129	-	-
TOTAL - - - - -						21,299	9	-

* Deposit paid; the Balance, amounting to £.4,985. 8s. 1d., to be paid in Sydney, in accordance with the Government Notice of the 22d of March last.

† Lots 52 and 142 sold for £.267. 12s.—£.200. allowed as a retired naval officer.

(signed) George Cooper,
Colonial Treasurer.

STATEMENT of RESERVED ALLOTMENTS selected by Government Officers, in accordance with the Government Circular Notice, dated 17th September 1840, showing the Average Prices realised at the Sale of TOWN ALLOTMENTS at and in *Auckland*, on the 19th and 20th of April 1841, calculated (according to the Colonial Treasurer's Report), on the Aggregate Amount produced by the Total Number of Perches sold in each Section in which they are respectively situated.

No. of Section.	No. of Allotments.	Names of Government Officers for whom Allotments were reserved.	Contents of such Reserve.	Average Rate realised for One Perch of each Allotment, on the Aggregate Number of Perches in each Section.	Amount payable by each Government Officer.
3	11	Mr. Shortland - -	1 34	-- 695 perches realised 3,190 <i>l.</i> 9 <i>s.</i> , is 4 <i>l.</i> 11 <i>s.</i> 9 $\frac{3}{4}$ <i>d.</i> per perch.	£. s. d. 339 14 1 $\frac{1}{2}$
	13	Mr. Tucker - -	1 30	- - - - -	321 7 10 $\frac{1}{2}$
4	14	Mr. Mitford, one moiety	0 29 $\frac{1}{2}$	-- 2,136 perches realised 8,664 <i>l.</i> 18 <i>s.</i> is 4 <i>l.</i> 1 <i>s.</i> 1 $\frac{3}{4}$ <i>d.</i> per perch.	119 13 10
7	8	Dr. Johnson -	1 30	-- 646 perches realised 1,528 <i>l.</i> 3 <i>s.</i> , is 2 <i>l.</i> 7 <i>s.</i> 4 <i>d.</i> per perch.	165 13 4
	11	Mr. Coates } one moiety {	0 26 $\frac{1}{2}$	- - - - -	62 14 4
		Mr. Mason } each - {	0 26 $\frac{3}{8}$	- - - - -	62 14 4
8	3	Mr. Mathew - -	2 34	-- 735 perches realised 2,193 <i>l.</i> 2 <i>s.</i> , is 2 <i>l.</i> 19 <i>s.</i> 8 <i>d.</i> per perch.	340 2 -
	7	Mr. Fisher - -	2 33	- - - - -	337 2 4
	13	Mr. J. J. Symonds -	1 30	- - - - -	208 16 8
	14	Captain Symonds -	2 31	- - - - -	331 3 -
	15	Captain Richmond -	2 33	- - - - -	337 2 4
	20	Mr. Rough - -	1 30	- - - - -	208 16 8
16	2	Mr. Grimstone - -	1 4	-- 731 perches realised 2,349 <i>l.</i> 9 <i>s.</i> , is 3 <i>l.</i> 4 <i>s.</i> 3 $\frac{3}{4}$ <i>d.</i> per perch.	141 7 11
TOTAL - - - £.					2,976 8 9

Colonial Secretary's-office, Auckland, }
10 July 1841.

Willoughby Shortland,
Colonial Secretary.

Colonial Treasury, Auckland, 1 October 1841.

The LANDS advertised in the Government Gazette, by the Notices dated 24th June 1841, have (with the exception of the Lots marked otherwise) been Sold to the undermentioned Parties by Auction, on the 1st of September 1841, and the Price affixed to each respectively has been received.

Lots.	Sections.	County.	Extent.	PURCHASERS.	Price.
			A. R. P.	SUBURBAN.	£. s. d.
1	62	Eden	3 3 28	George Cooper - - - - -	408 - 1
2	63	ditto	3 0 3	Robert Tod - - - - -	244 10 4
3	64	ditto	3 2 0	George Cooper - - - - -	325 10 -
4	67	ditto	3 2 7	James Beveridge - - - - -	255 3 -
5	68	ditto	3 1 13	George Lawrence - - - - -	209 17 4
6	69	ditto	3 3 36	James Beveridge - - - - -	95 8 -
7	70	ditto	3 2 9	Ditto - - - - -	74 13 7
8	71	ditto	2 3 37	James Stone and J. A. Langford - - - - -	152 - 10
9	72	ditto	3 1 17	Abel Dottin Best - - - - -	70 9 9
10	73	ditto	3 0 0	William Field Porter - - - - -	81 - -
11	74	ditto	1 3 8	James Stone - - - - -	68 8 -
12	75	ditto	3 1 7	William Field Porter - - - - -	69 3 4
13	76	ditto	3 1 17	John Kelly - - - - -	177 17 7
14	81	ditto	3 1 23	No offer.	
15	82	ditto	2 3 18	James Magee and John Mallowney - - - - -	68 14 -
16	83	ditto	3 3 17	No offer.	
17	84	ditto	3 3 27	No offer.	
18	85	ditto	3 3 28	- - Patrick Donovan, Edward Murray, and John Oakes.	82 8 6
19	86	ditto	2 0 3	George Cooper - - - - -	57 1 -
20	89	ditto	4 3 17	Deposit forfeited by James Coutts Crawford - - - - -	29 2 9
21	90	ditto	5 2 21	Alexander M'Kay - - - - -	123 16 9
22	91	ditto	3 1 7	No offer.	
23	92	ditto	3 3 38	No offer.	
24	93	ditto	4 0 0	No offer.	
25	94	ditto	7 1 0	No offer.	

(continued)

NEW
ZEALAND.

Lots.	Sections.	County.	Extent.			PURCHASERS.	Price.		
			A.	R.	P.		£.	s.	d.
CULTIVATION.									
26	31	Eden	3	0	0	William Field Porter - - - - -	42	-	-
27	32	ditto	3	0	0	William Gamble - - - - -	40	10	-
28	33	ditto	3	0	0	Francis Hamilton - - - - -	39	-	-
29	34	ditto	3	0	0	William Gamble, jun. - - - - -	33	-	-
30	25	ditto	3	0	0	Edward Constable - - - - -	37	10	-
31	36	ditto	3	0	0	Patrick Dignum - - - - -	31	10	-
32	37	ditto	3	0	0	No offer.			
33	38	ditto	3	0	0	No offer.			
34	39	ditto	3	0	0	Robert Tod - - - - -	31	10	-
35	40	ditto	3	1	24	Ditto - - - - -	71	8	-
36	12	ditto	-	-	-	Not put up.			
SMALL FARMS.									
37	19	ditto	9	1	4	Henry Prior - - - - -	30	2	10
38	20	ditto	9	3	2	William Field Porter - - - - -	29	15	6
39	21	ditto	10	0	36	Ditto - - - - -	32	4	2
40	22	ditto	9	2	21	John Scott - - - - -	58	5	4
41	23	ditto	9	3	37	Ditto - - - - -	65	7	6
42	24	ditto	10	1	12	Robert Tod - - - - -	83	2	4
43	25	ditto	7	1	26	David Small - - - - -	70	15	9
44	26	ditto	7	3	13	Daniel Pollen - - - - -	41	10	1
45	27	ditto	8	1	5	Alexander Kennedy - - - - -	45	2	8
46	28	ditto	8	2	20	Samuel Allen Wood - - - - -	43	2	6
47	29	ditto	8	3	20	George Graham - - - - -	31	1	3
48	30	ditto	9	1	0	John M'Intosh - - - - -	30	19	9
49	31	ditto	9	2	20	John Moore - - - - -	29	7	1
50	32	ditto	9	3	20	James Beveridge - - - - -	32	11	9
51	33	ditto	11	0	0	Robert Tod - - - - -	92	19	-
52	34	ditto	11	0	0	Ditto - - - - -	44	-	-
53	35	ditto	11	0	0	John Moore - - - - -	33	11	-
54	36	ditto	11	0	0	John P. Du Moulin - - - - -	30	16	-
55	37	ditto	11	0	0	C. H. M'Intosh - - - - -	27	10	-
56	38	ditto	11	0	0	John Weavell - - - - -	26	8	-
57	39	ditto	5	1	15	William Greenwood - - - - -	43	5	8
58	40	ditto	4	2	12	Deposit forfeited by H. Whitfield - - - - -	2	1	2
59	41	ditto	11	2	8	No offer.			
60	42	ditto	11	2	8	No offer.			
61	43	ditto	6	0	2	John Cunningham - - - - -	18	6	9
62	44	ditto	7	2	1	George Lawrence - - - - -	21	7	9
63	45	ditto	23	0	16	No offer.			
64	46	ditto	9	0	11	James Beveridge - - - - -	28	2	3
65	47	ditto	10	2	36	Edward Constable - - - - -	32	3	6
66	48	ditto	23	0	16	- Patrick Donavan, Edward Murray, and John Oakes.	47	7	10
67	49	ditto	12	1	28	James Coates and William C. Symonds - - - - -	27	6	8
68	50	ditto	8	3	8	James Watson - - - - -	31	13	7
69	51	ditto	22	0	0	George Lawrence - - - - -	61	12	-
70	52	ditto	22	0	16	William Lister and Dermott Hersee Heather - - - - -	47	7	1
71	53	ditto	20	3	24	Francis Fisher - - - - -	44	18	8
72	54	ditto	20	3	24	Ditto - - - - -	42	16	11
73	55	ditto	20	3	24	Ditto - - - - -	42	16	11
74	56	ditto	20	3	24	George Cooper - - - - -	42	16	11
75	57	ditto	20	8	24	Ditto - - - - -	42	16	11
76	58	ditto	20	3	24	Ditto - - - - -	42	16	11
77	59	ditto	20	3	24	R. Tod - - - - -	83	12	-
78	122	ditto	50	0	0	No offer.			
79	123	ditto	50	0	0	Ditto.			
80	124	ditto	50	0	0	Ditto.			
81	125	ditto	50	0	0	Ditto.			
82	126	ditto	50	0	0	Ditto.			
83	127	ditto	50	0	0	Ditto.			
84	128	ditto	50	0	0	Ditto.			
85	129	ditto	50	0	0	Ditto.			
86	130	ditto	50	0	0	Ditto.			
87	131	ditto	50	0	0	Ditto.			
88	132	ditto	50	0	0	Ditto.			
89	133	ditto	50	0	0	Ditto.			
TOTAL - - - £.							4,501	14	10

(signed) Geo. Cooper, Treasurer.

RECAPITULATION.

	£.	s.	d.
Total Amount of Sales; April - - - - -	21,299	9	-
Ditto - ditto - to Government Officers - - - - -	2,976	8	9
	£.	24,275	17 9
Total Amount of Sales; September - - - - -	4,501	14	10
TOTAL - - - - -	£.	28,777	12 7

Note.—In the year 1841, 200 *l.* was deposited in England with the Colonial Land and Emigration Commissioners for the purchase of land in New Zealand, such land to be selected by the parties on their arrival in the colony.

Since the commencement of 1842, 500 *l.* has been deposited in like manner.

The New Zealand Company made an arrangement with the Government (in June 1841) for the purchase of 50,000 acres, for which they are to prove an expenditure of 40,000 *l.* on emigration; and they have recently made a further arrangement for the purchase of 100,000 acres, by an expenditure of 40,000 *l.* on emigration, and 40,000 *l.* on public works.

There are no means in this country of distinguishing lands purchased on behalf of non-residents, and those purchased by resident emigrants. The price per acre at which the lands were sold is not stated in the Returns received from the Colony.

By order of the Board,

Colonial Land and Emigration Office,
9, Park-street, Westminster,
9 August 1842.

(signed) S. Walcott, Secretary.

